

Language Service Available to Limited English Proficient (LEP) Individuals at SSA Hearings

The Social Security Administration (SSA) is committed to providing fair and equitable World Class Service, regardless of an individual's inability to communicate effectively in English.¹

Language Service Available to LEP Individuals at All SSA Hearings

- 1) SSA provides free interpreters to any individual requesting language assistance or when such assistance is necessary to ensure that the individual is not disadvantaged.
- 2) Claimants that need language assistance will not be required to provide their own interpreters.
- 3) The Hearing Office (HO) staff must provide either qualified office interpreters, private interpreters, or interpreters available through the Telephone Interpreter Service (TIS).
- 4) If the HO does not contract with an interpreter for a language, they are to check the Multilingual Gateway under Translator Database to see if interpreters are available in the area.²
- 5) An administrative law judge (ALJ) must ensure that an interpreter, fluent in both English and the language in which the claimant is most proficient, is present throughout the hearing.
- 6) If the testimony of an LEP witness is needed, the ALJ must ensure an interpreter is present.³

Interpreter Services for a Claimant at a Hearing

- 1) The HO staff determines if a claimant needs an interpreter by reviewing Form HA-501, Request for Hearing, The Case Processing and Management System (CPMS), SSA-3368 Disability Report, or Reports of contact with the claimant.⁴
- 2) When the hearing begins, the ALJ must verify the interpreter's identity and require they certify "under penalty of perjury" they are a qualified interpreter either on the record at the hearing or by having the interpreter complete Form SSA-795.⁵
- 3) A qualified foreign language interpreter for a hearing is an individual that:
 - a. Reads, writes and demonstrates fluency in the English language;
 - b. Reads, writes and demonstrates fluency in the foreign language of the LEP claimant;
 - c. Demonstrates familiarity with basic SSA terminology;
 - d. Agrees to comply with SSA disclosure and confidentiality of information requirements;
 - e. Has no personal stake in the outcome that would cause a conflict of interest; and
 - f. Agrees to provide accurate interpretation of the LEP claimant's responses.⁶
- 4) During the hearing, an ALJ must direct the interpreter to interpret without changing the meaning of questions and answers, correct the interpreter if questions are changed to the third person, and not use idiomatic or slang expressions when questioning hearing participants.
- 5) The ALJ must determine if the claimant or witness is having difficulty understanding the interpretation, that they are receiving a full and fair hearing, note a claimant's or witness's objection in the record, and adjourn or postpone the hearing when the ALJ determines it is not a full and fair hearing until an acceptable qualified interpreter is available.⁷

¹ See SSA LEP Policy, Available at <http://www.ssa.gov/multilanguage/LEPPlan2.htm> ; See also Hearings, Appeals and Litigation Law Manual (HALLEX) I-2-6-10, Hearing Procedures — Foreign Language Interpreters, Available at: http://www.ssa.gov/OP_Home/hallex/I-02/I-2-6-10.html.

² HALLEX I-2-6-10, see also HALLEX I-2-1-70, Foreign Language Interpreters, Available at: http://www.ssa.gov/OP_Home/hallex/I-02/I-2-1-70.html.

³ HALLEX I-2-6-10.

⁴ HALLEX I-2-1-70.

⁵ HALLEX I-2-6-10.

⁶ HALLEX I-2-1-70.

⁷ HALLEX I-2-6-10.