



Protocol for Identifying LEP Persons and Providing Language Services



STEP 1.

Determine if the person is limited English proficient (LEP).¹

A person should be treated as LEP if:

- Person self-identifies or is identified as LEP by a companion;
- Person requests an interpreter;
- Available documentation or aids indicate the person's lack of proficiency; and/or
- LEP status is verified by a professional interpreter or bilingual staff. For example, during the interaction, it becomes evident the person does not speak and understand English well enough to effectively participate or fully understand questions and answer them without difficulty.

STEP 2.

Determine the language spoken by the LEP person.

- Person self-identifies their primary language;
- Person's companion or available documentation indicates primary language;
- Use professional interpreter or bilingual staff; and/or
- Use of job aids that assist in identifying primary language, for example: the "I Speak" [poster](#), the "Habla?" [poster](#) for indigenous language, and the "Tool to Determine Indigenous Languages" found on the [ERO Language Access Resource Center](#).

STEP 3.

Identify a resource to provide language assistance.

- Recognizing limitations, use bilingual personnel at the level of importance and complexity of their foreign language skills only.
- Utilize professional language services (interpretation and translation) providers when needed. Contact information for ERO language services vendors can be found on the [ERO Language Services Resources Flyer](#) or on the [ERO Language Access Resource Center](#).

KEY TIPS



- Do not assume an individual's primary language based on country of origin.
- Avoid using family members, minors, friends, bystanders, or other detained noncitizens as interpreters except in emergency situations or unless interpreters are unavailable and for the shortest duration needed.
- Use bilingual staff where possible; however, for complex interactions, use professional interpretation and translation language services.
- Use an interpreter when doubtful of an LEP person's general comprehension of what is being said/asked.
- When using an interpreter, be sure to look at the noncitizen, not the interpreter and pause after one or two sentences to allow for interpretation.

¹ Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. LEP persons may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).