



Providing Services to Limited English Proficient (LEP) Victims/Survivors Federal Requirements

The legal basis for providing services to Limited English Proficient (LEP) victims is found in Title VI of the 1964 *Civil Rights Act*, which states:

“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” (42 U.S.C. § 2000d)

The 1974 Supreme Court case *Lau v. Nichols* determined a person’s inability to speak, read, write, or understand English as one type of national origin discrimination. In August 2000, *Executive Order 13166*—“Improving Access to Services for Persons with Limited English Proficiency”—clarified the existing obligation of Title VI and extended Title VI regulations to all federal departments and agencies. As a result, the federal government and all recipients of federal funds have an obligation to reduce language barriers and provide LEP persons with meaningful access to governmental services.

Title VI Compliance

The U.S. Department of Justice uses four factors to determine whether or not federal funding recipients are in compliance with Title VI and its regulations:

1. The number or proportion of LEP persons in the eligible service population.
2. The frequency with which LEP individuals come into contact with the program.
3. The importance of the benefit, service, information, and/or encounter to the LEP person (including the consequences of a lack of language services or inadequate interpretation/translation).
4. The resources available to the recipient and the costs of providing various types of language services.

Additional information is available on the U.S. Department of Justice Civil Rights Division website at: www.lep.gov. The comprehensive publication, “Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field,” can also be found on this website.



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