



Program Letter 14-3

TO: All Executive Directors

FROM: Ronald S. Flag *RSF*
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inquiries from recipients and stakeholders about whether unaccompanied alien children (UACs) are citizens, particularly unaccompanied alien children. LSC has received many inquiries about the use of 45 C.F.R. § 1626.4(c)(1), which requires LSC recipients to assess the eligibility of non-citizens who may qualify for certain anti-abuse statutes. This Program Letter responds to these inquiries regarding section 1626.4(c)(1).

May LSC recipients provide legal assistance to unaccompanied alien children?

Yes, if the child meets one of the exceptions to the general prohibition on legal assistance to non-citizens that are described in detail at 45 C.F.R. § 1626.4(c)(1).

Section 504(a)(11) of the fiscal year 1996 LSC appropriation act generally prohibits LSC from funding any recipient “that provides legal assistance for or on behalf of any alien[.]” Pub. L. 104-134, tit. V, § 504(a)(11), 122 Stat. 1321-50, 1321-53 (1996); Pub. L. 105-119, tit. V, § 502(a)(2), 111 Stat. 2440, 2510 (1998) (incorporated by reference annually thereafter). Congress enacted limited exceptions to this general restriction in Pub. L. 104-134, Pub. L. 105-119, and in subsequent legislation not particular to LSC., Sec. Trafficking Victims Protection Act, as amended, 22 U.S.C. § 7105(b)(1)(B) (“TVPA”); Violence Against Women and Department of Justice Reauthorization Act, Pub. L. 109-162, § 104; 111 Stat. 2440, 2510 (2006) (“VAWA 2005”). These exceptions are further detailed at 45 C.F.R. §§ 1626.2, 1626.4 and 1626.5.

An unaccompanied alien child, by definition, is an individual under the age of 18 who has no lawful immigration status in the United States and who has no parent or guardian available to provide care and custody in the United States. See 6 U.S.C. § 279(g); 8 U.S.C. § 1232(g). The statutes governing the care, placement, and provision of legal assistance to unaccompanied alien children do not authorize LSC recipients to provide legal assistance to unaccompanied alien children. Nor do any of the statutes discussed above authorize LSC recipients to assist unaccompanied alien children by virtue of their categorization as such. In

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