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Thomas F. Smegal, Jr. San Francisco ou indicated that you previously helped a client obtain a retirement pension to which he was entitled, and now that he has died and lef his companion destitute, the companion would like to pursue a widow's pension. The companion/proposed client (h ereinafer t he proposed client) was a Legal permanent resident of the bited States, but she returned to initidad last year. Seh plans to return to New Wrk this year, at which time you would like to represent her in trying to get a widow's pension. Your question is whether representation of the proposed client would violate 45 CF.R. Part 1626, which resticts legal assistance to aliens.

Under ≥ 1626.5 of the LSC Regulations, recipients may represent aliens who fall in the following categories: (a) an alien ≥ 380.58041 Tm(of t)T89744 389nlllowing

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For all aliens who are eligible for legal services, as described in 45 C.F.R. 1626.5, with the exception of H-2A workers, as described in 45 C.F.R. 1626.11, representation is authorized so long as the eligible alien is present [in the United States] sufficient to maintain residence or lawful immigration status. Under this interpretation, LSC grantees who have begun representation of a permanent resident alien may continue that representation should the alien be temporarily outside of the United States. Grantees may also initiate representation of aliens, with the exception of H-2A workers, who are temporarily outside of the United States, provided that they have been present sufficient to maintain and have not abandoned their residence or immigration status.

Based on the information you provided, it appears that the potential client qualifies for representation under $\exists 1626.5(a)$, the exception for legal permanent residents. You indicated that the potential client was a legal permanent resident before leaving for Trinidad, and to your knowledge, no efforts have been made by the Immigration and Naturalization Service (hereinafter referre

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Based on 45 C.F.R. Part 1626; the LSC policies adopted in Program Letter 2000-02; and the immigration case law cited herein, it appears that you may represent