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October 21, 2013

Mr. Mark Freedman, Esq.
Senior Assistant General Counsel

Legal Services Corporation
3333 K Street NW
Washington, D.C. 20007

**RE: Comments Concerning Proposed Regulations Regarding Restrictions
 on Legal Assistance to Aliens**

Dear Mr. Freedman:

These comments are submitted on behalf of Texas RioGrande Legal Aid (“TRLA”) in response to the Legal Services Corporations’ Notice of Proposed Rulemaking (NPRM), RIN 1205-AB58, Proposed Rules 45 CFR Part 1626, “*Restrictions on Legal Assistance to Aliens*” 78 Fed. Reg. 51696-51704 (Aug. 21, 2013).

TRLA is a legal services provider funded by the Legal Services Corporation. It provides free legal services to low-income residents in sixty-eight counties of Southwest Texas, and represents migrant and seasonal farm workers throughout the state of Texas and six southern states. TRLA is the third largest legal services provider in the nation and the largest in the state of Texas.

revision to the proposed language regarding when eligibility of certain aliens ends and to encourage LSC to retain the evidentiary appendix as part of this rule.

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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VTVPA/TVPRA. In 2003, Congress amended the Trafficking Victims Protection Act to require LSC and other federal agencies to expand benefits and services to “victims of severe forms of trafficking in persons in the United States, and aliens classified as a nonimmigrant

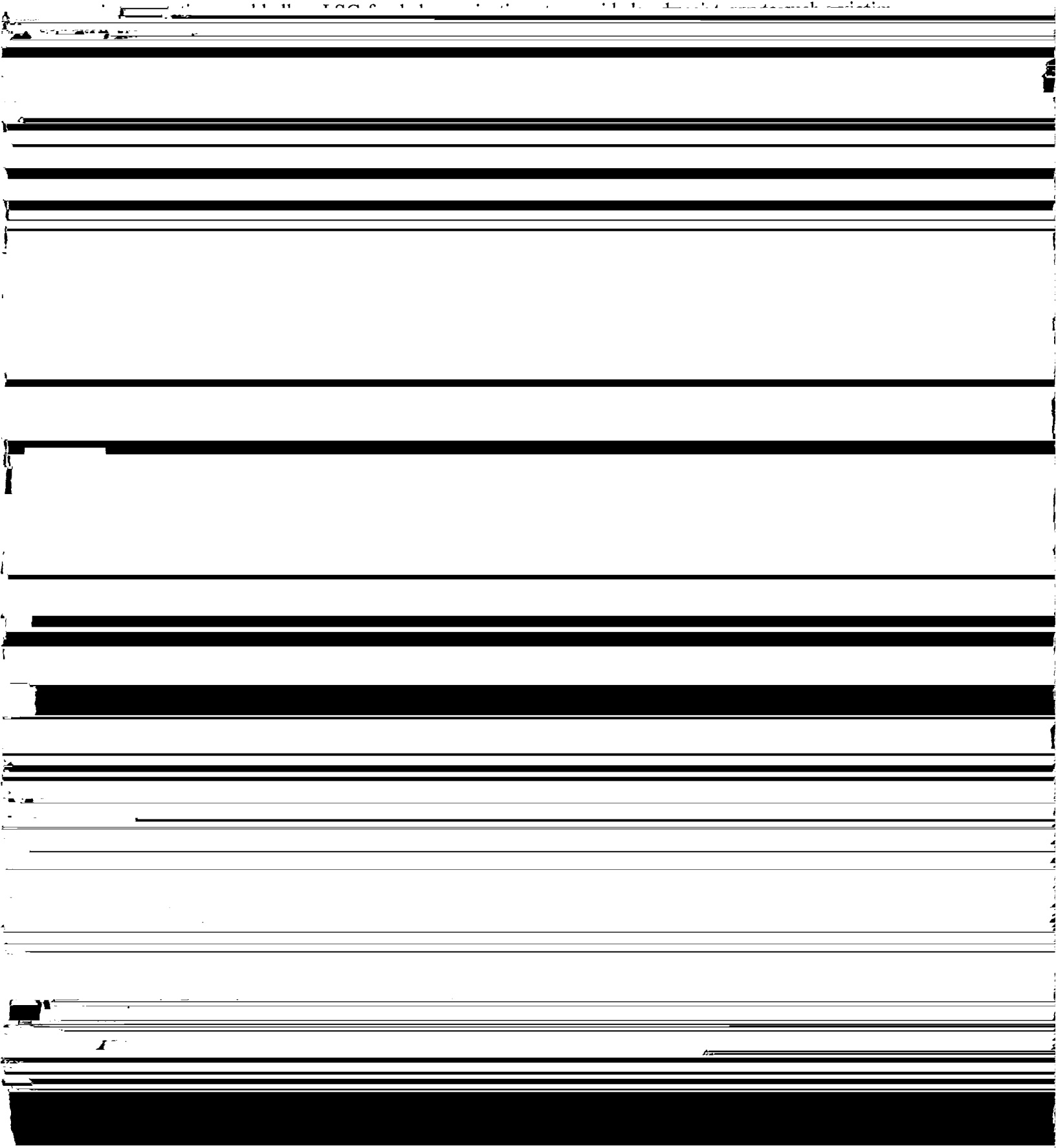
under section 101(a)(1)(T)(ii) of title 8, without regard to the immigration status of such

victims.” 22 U.S.C. §7105(b)(1)(B).

VAWA. In 2006, Congress amended Public Law 105-119, Title V, § 501(a)(2)(C)(i), 111

Stat. 2420, 2510-11 (2006). It LSC funded organizations to use such funds to provide

eligible for T- or U- nonimmigrant status. 78 Fed. Reg. 51696, 51699-700. TRLA's proposed



set forth at 8 U.S.C. §1590. The TVPRA explicitly recognizes that the courts have extra-territorial jurisdiction over this offense, *i.e.* that under certain circumstances, trafficking that

occurred outside the United States can be prosecuted under §1590. *See* 8 U.S.C. § 1596. LSC's current proposed language would appear to arbitrarily read this separate and distinct basis of eligibility set forth in Section 502 out of the statute for victims of trafficking. There is no reason

that limiting language set forth in different statutes or different sections of the same statute should "control" this entirely separate statutory basis for eligibility.

In sum, TRLA recommends that LSC expressly recognize that individuals who are eligible for U- visas because they are victims of the qualifying criminal activity of trafficking

and have been trafficked within the United States in order to receive legal assistance

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Proposed 45 C.F.R. § 1626.4(e).

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altering the list, because even an apparently minor administrative update may have broad, unintended implications for our client population. Because rulemaking is the only way to ensure

TRLA appreciates the proposed regulation's recognition that H-2B forestry workers are eligible for legal services. *See* Proposed Section 1626.11(b). Although these clients do not represent a large number of cases each year, TRLA and the national legal community have found