

October 17, 2013

Mr. Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
3333 K Street NW
Washington D.C. 20007
Sent Via Electronic Submission

RE: Commentary on Proposed Rule ID: LSC-2013-0032-0001 [Restrictions on
Legal Assistance to Aliens]

Dear Mr. Freedman,

changes on aliens eligible for legal assistance through LSC funds. I appreciate the opportunity to comment on such an issue and look forward to reading the codified regulation. Providing local programs the ability to aid undocumented individuals is a great concern of mine. However, with that concern are the realities of being able to provide adequate legal aid. While I am glad these regulati
proposed rule oversteps its philanthropic goal.

Background of proposed rule:

This proposed rule updates regulations governing the agency entitled Legal Service Corporation (LSC). LSC is a private non-profit corporation established by Congress, which seeks to ensure legal assistance to Americans who are unable to afford such access.
the 2013 financial year is estimated around \$350,129,760.

The proposed rule entails three proposed changes to their regulations. This comment will focus on the proposed update to the
Assistance Under Anti- (45 CFR § 1626.4). This proposed rule will update §
1626.4 and place the regulation on track with the statutory changes that took place as part of the Department of Justice reauthorization bill. The statutory amendments, discussed above, tracked changes that were implemented in regards to trafficking acts such as the Violence Against Women Act (VAWA). Because of these statutory amendments, LSC is now permitted to provide assistance to previously ineligible aliens. The proposed rule
hopes to codify their guidelines in connection with their designated authority. While parts of these provisions are necessary
LSC is attempting to use this good cause opportunity to implement provisions that fall outside said goal.

Positive effects:

for assistance with any LSC funding as opposed to the once, superseded, funding limitation which required recipients use non-LSC funds. This change helps not only the recipients themselves receive better services and funding, but it helps the agencies that provide the services.

Currently there are about 127 legal aid offices across the country that receive funding from LSC. While this number seems large, some states lack available programs for Americans that need these services. Connecticut, for example,

Connecticut, this new provision defining what funds are now available for certain services will help add clarity and assurance to new potential programs. New legal offices may now want to apply to be recipients of LSC funding in order to aid deprived individuals across the state.

I have a strong personal connection to the potential growth of civil services offered in the legal field . Working in the Civil Justice Clinic at Quinnipiac

would fall under §1626.4. The clinic has taken (and been referred) cases for undocumented aliens. One of these reasons we get an influx of undocumented cases is because these individuals are not informed of proper channels of redress. Allowing recipients to use LSC funding for aliens that qualify under anti-abuse statutes will hopefully provide more options for individuals in need.

Negative effects:

My criticism on these proposed changes occurs when LSC oversteps their rulemaking existing trafficking statutes, they are in essence creating a new broader regulation, one not explicitly stated by the statute. LSC is attempting to eliminate an existing regulatory requirement by conducting their own interpretation of the VAMA amendment in regards to geographic precedents. There are two separate changes LSC attempts to enact.

The first change is in regards to where the alleged act must take place in order to qualify for services. This change would update their old regulation, which gave assistance to an alien in the United States, to a regulation that y or a victim

This change, in essence, removes the territorial restriction once placed on LSC funding and, thus, eliminates the requirement that such conduct take place in the United States. This change is a large deviation in services available to individuals applying for assistance under §1626.4.

The second issue that le that establishes available assistance to aliens who may or may not be present in the United States.

assistance to an alien who is

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unfortunately, some individuals take wrongful advantage of these protections. One of our fellows in our civil justice clinic has done extensive research on this exploitation of the system. She states that some individuals walk a fine line on frivolous criminal claims in order to stay in the country as their claims are processed. In fact, U visa applications have fulfilled available quotas into 2016.

