

For clients qualifying under the anti-abuse sections, we applaud the proposed regulations for eliminating the requirement that the abuse have occurred in the United States. This would allow LSC funded agencies to provide a wider variety of services to abuse victims including asylum and special immigrant juvenile status applications in addition to the VAWA, U, and I-751 applications that many already provide. It would also allow for public benefits related services to be provided to these same clients to help with their economic stability. The provision of immigration services and public benefits assistance would enable the clients to become self sufficient in order to prevent them being forced to return to the abusive situation due to financial necessity. Currently we find that we cannot assist many abused youth because the abuse occurred in their home country rather than in the United States. This revision would also open the door to the provision of VAWA self petitioning services to applicants who otherwise qualify for VAWA self-petitioning but for the fact that the abuse they suffered was committed abroad. We also applaud the revision allowing for provision of services to these clients regardless of whether they are in the United States or not.

Clients whose eligibility is based on the sexual assault and trafficking provisions:

As stated above, we agree with and strongly support LSC's conclusion that programs may represent victims of battery and extreme cruelty under VAWA and victims of criminal activity sufficient for U visa eligibility regardless of whether the abuse or criminal activity took place in or outside of the United States. However, we do not agree with the distinction made by the proposed rule that would require victims of sexual assault or severe forms of sexual trafficking to have suffered this abuse in the United States in order to establish eligibility. We understand the qualifying phrase "in the United States" in 22 U.S.C. § 7105(b)(1)(B) to refer to the location of the victim, rather than the location of the abuse. This interpretation is supported by the heading of § 7105(b), "Victims in the United States." The VAWA amendment to section 502 of the appropriations legislation simply adopts the same language, and "in the United States" should be interpreted to qualify the location of the victim rather than the misconduct and should be limited to sexual assault and trafficking victim categories and not categories of clients under the anti-abuse or U visa categories. This would allow for provision of legal services to victims of trafficking or sexual assault who may be eligible for asylum based on their treatment abroad.

Clients whose eligibility is based on the U visa eligibility provisions:

In this category, we applaud the rev

even if they are outside the United States would be very helpful to those clients who were in the United States when they were victimized and cooperative, but who now find themselves outside the U.S. LSC funded agencies are particularly important to this client population in that they provide services free of charge and clients who find themselves abroad are particularly likely to the financial resources to pay for legal services. Those clients are also likely to be particularly vulnerable to continued victimization if their abusers follow them abroad.

Section 1626.5 – Aliens eligible for assistance based on immigration status.

(e) An alien who is lawfully present in the United States as a result of the Attorney General's withholding of removal pursuant to section 241(b)(3) of the INA (8 U.S.C. 1231(b)(3)), withholding of removal or deferral of removal under the Convention Against Torture, or withholding of deportation pursuant to former section 243(h) of the INA (8 U.S.C. 1259, as in effect on Sept. 29, 1996).

Replacement of the appendix to Part 1626 with program letters

We support the proposal to replace the appendix to Part 1626, listing documents establishing immigrant eligibility for representation, with program letters. We agree that immigration forms and documents frequently change, and LSC will be better able to provide this information to programs in a timely manner by means of program letters, rather than the formal rulemaking process.

In conclusion, we appreciate the work that LSC has put into updating Part 1626, and we support these changes, with the modifications suggested herein. Again, we strongly urge that LSC extend the comment period in order to receive comments from a greater number of interested organizations.

Sincerely,

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