

Alien Eligibility Provision in Section 502 of the LSC Appropriations Legislation

This summary of appropriations legislation that governs LSC's authority to represent aliens is provided to assist those considering LSC's proposed rule modifying 45 C.F.R. Part 1626 of the LSC regulations. Changes in the proposed rule, particularly changes in § 1626.4, are intended to implement section 502 of the appropriations legislation as amended by the Violence Against Women Act of 2005, Pub. L. 109-162, 119 Stat. 2960.

Because the amended text of section 502 is not codified, we provide the pertinent portion to aid in understanding how the proposed rule implements that provision. Section 502, as amended by VAWA, reads as follows:

SEC. 502(a)(2)(C). Subsection (a)(11) of such Section 504 [of Public Law 104-134, the FY 1996 LSC appropriation] [prohibiting assistance to ineligible aliens] shall not be construed to prohibit a recipient from providing related legal assistance to—

- (i) an alien who has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or
- (ii) an alien whose child, without the active participation of the alien, has been battered or subject to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).

SEC. 502(b). DEFINITIONS—For purposes of subsection (a)(2)(C):

- (1) The term “battered or subjected to extreme cruelty” has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994; (Public Law 103-322; 108 Stat. 1953).
- (2) The term “related legal assistance” means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty, sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)).