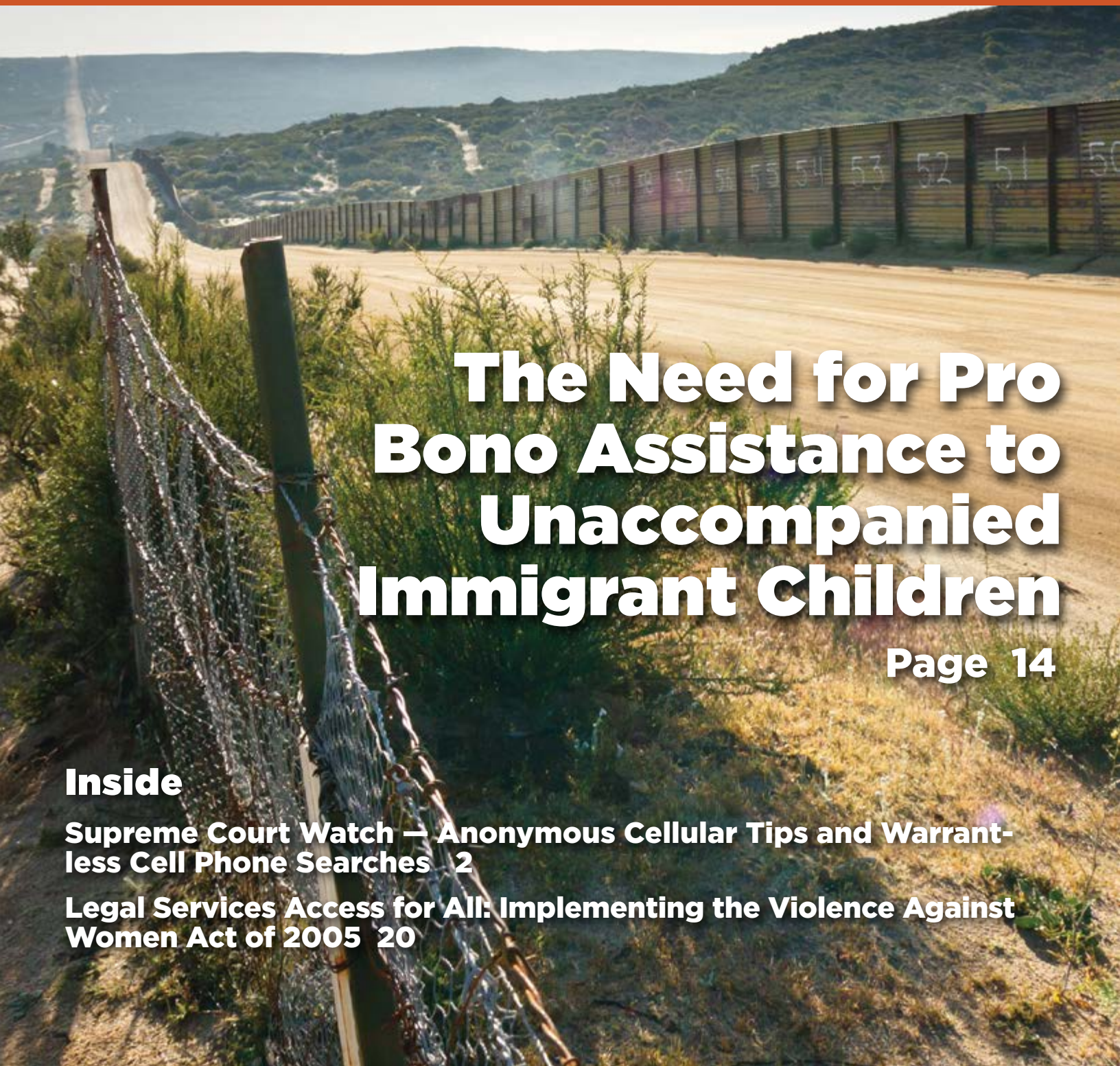
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National Legal Aid & Defender Association

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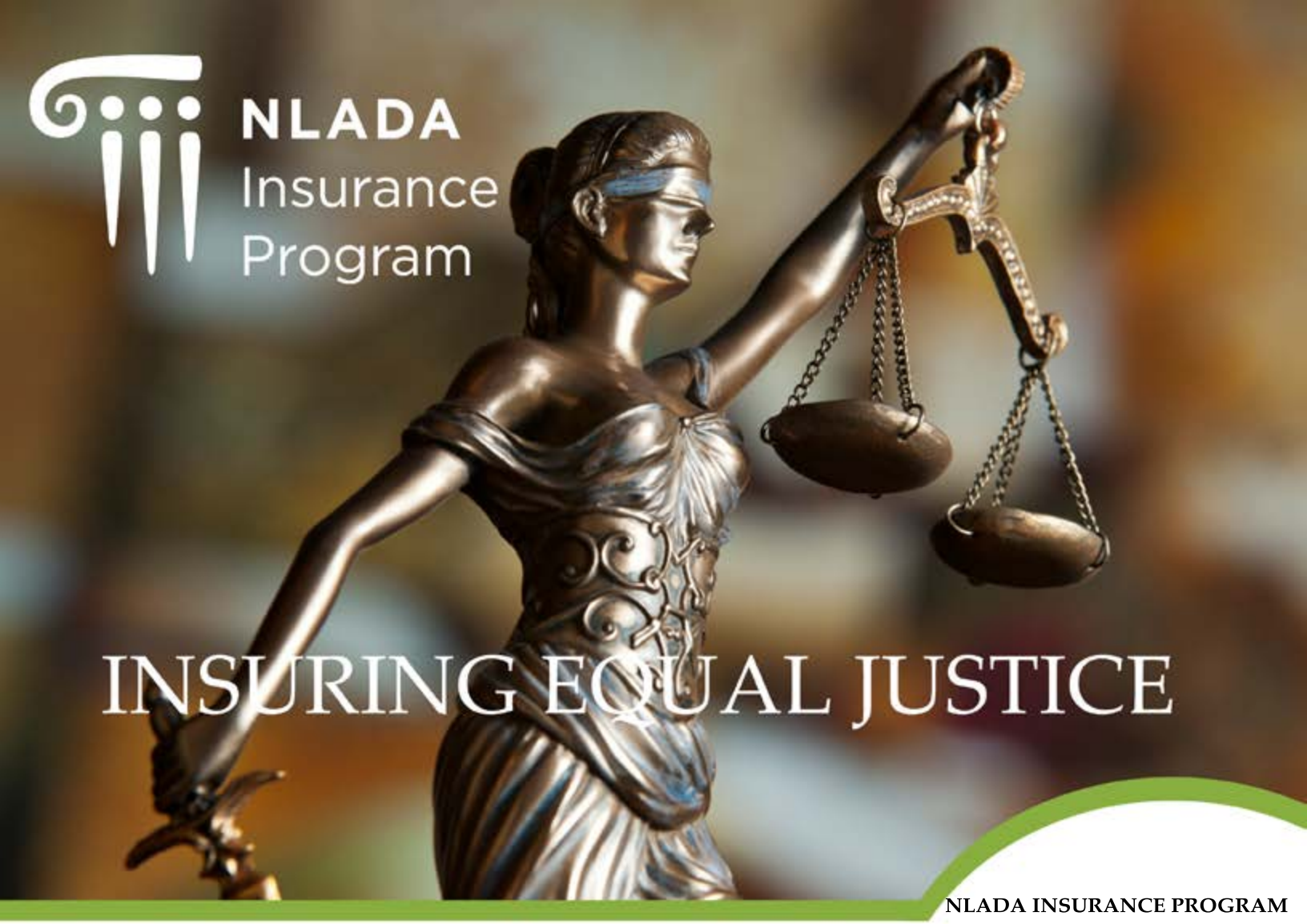
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Invest in NLADA's Advocacy Efforts on Behalf of the Equal Justice Community

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2015 Events

ABA/NLADA Equal Justice Conference
May 7-9
Hilton Austin
Austin, TX

National Defender Leadership Institute
June 4-6
University of South Carolina
Columbia, SC

American Council of Chief Defenders Summer Conference
July 14
University of the District of Columbia
David A. Clarke School of Law
Washington, DC

Community-Oriented Defender Network Annual Conference
July 15–16
University of the District of Columbia
David A. Clarke School of Law
Washington, DC

NLADA Annual Conference
November 4-7
Sheraton New Orleans
New Orleans, LA

2016 Events

Appellate Defense and Persuasive Writing Institute
January 21-24
New Orleans, LA

Life and Liberty in the Balance
March 10–12
Houston, TX

ABA/NLADA Equal Justice Conference
May 12-14
Chicago, IL

NLADA Annual Conference
November 9-12
Indianapolis, IN

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The Need for Pro Bono Assistance to Unaccompanied Immigrant Children



"...these children are not entitled to legal representation in the ensuing immigration proceedings. Regardless of age and fluency in English, children frequently appear in immigration court without legal counsel."

By Cheryl Zalenski

The Critical Need

During the summer months of 2014, the media focused attention on the plight of unaccompanied children from Central America who were streaming across the U.S. border, fleeing from gang and cartel violence, abuse and poverty. These children were either apprehended or turned themselves over to Customs and Border Protection officers. In either case they traveled to the United States seeking safety, protection and the ability to reunify with family members already living here. The numbers of children entering the United States increased tenfold from an average of 7,000 in 2011 to almost 70,000 in Fiscal Year 2014.

Unfortunately, these children are not entitled to legal representation in the ensuing immigration proceedings. Regardless of age and fluency in English, children frequently appear in immigration court without legal counsel. The presence of legal counsel is vital in these cases. Data indicates that children represented by an attorney appear more frequently in court (92.5 percent) than those without (27.5 percent). Further, studies indicate that 90 percent of children appearing in court without an attorney are ordered deported. Children appearing with an attorney fare much better – roughly 50 percent are allowed to remain in the United States, while another 25 percent are permitted a voluntary departure rather than deportation. Pro bono legal assistance is critical to ensuring that these children receive due process.

The American Bar Association's Response

ABA leaders were able to witness first-hand the pressing issues confronting these children during a July 2014 visit to Lackland and other youth shelters on the southwest border, including the critical need for legal representation in immigration court and related proceedings. In response to this need, ABA President William Hubbard, with the approval of the Board of Governors, established the Working Group on Unaccompanied Minor Immigrants ("Working Group") in late August 2014. In support of its charge to recruit attorneys to represent unaccompanied children, the Working Group has developed a website at www.ambar.org/ican to collect ABA training, materials and policy on the issue, as well as links to external resources. Additionally, attorneys can volunteer to provide pro bono legal assistance through a link on the page.



"The numbers of children entering the United States increased ten-fold from an average of 7,000 in 2011 to almost 70,000 in Fiscal Year 2014."

The Working Group also supported Pro Bono Net's development of the Immigration Advocates Network website (www.immigrationadvocates.org). This site offers pro bono attorneys resources, including a calendar of trainings, a library of documents, podcasts, a guide to pro bono opportunities, and more. The site also offers similar resources for provider organizations.

Making the Case for Pro Bono

Private attorneys may be reluctant to volunteer to assist children in immigration matters, as it is an area of law in which relatively few have experience. The need among these children, however, is too great to ignore. As minors, unfamiliar with the American and immigration court systems and law, they are at a great disadvantage. Many have no or limited fluency in English. While most of the children are teenagers, some are as young as 4 or 5 years old, or even younger. The best assurance of due process for these children is the presence of an attorney, who has a far greater knowledge of the proceedings – even if it is not his or her area of expertise.

Attorneys interested in providing pro bono services to children can build their knowledge and expertise through a variety of resources. In addition to the websites mentioned above, a number of organizations exist across the country to provide training, forms and mentoring to attorneys new to immigrations matters. Both attorneys on staff and experienced pro bono attorneys are available for mentoring and guidance.

Providing pro bono legal services in unaccompanied minor immigration cases can be a deeply satisfying experience. One volunteer attorney was told by her client, as they walked in to apply for a green card, that simply having the attorney there kept him from being scared.

In addition to the intangible benefits, volunteering to provide pro bono legal assistance offers professional development. Attorneys gain experience in interviewing clients and fact finding. They will gain experience in appearing before a judge in immigration court; if they represent a child in a Special Immigrant Juveniles Status (SIJS) matter they also gain experience in appearing before a

family law court. This valuable experience is applicable and transferable to the attorney's daily practice and business.

Overview of Forms of Relief

An attorney can assist the unaccompanied immigrant child in determining which of several forms of relief are most appropriate. Possible options include:

SIJS protects immigrant children who have been abused or neglected by providing immediate eligibility for legal permanent residency (green card) and a path to citizenship. Applying for SIJS requires two steps, the first in state court and the second in immigration court. To be eligible for SIJ status, the child must meet the following requirements:

- Be under 21 years old on the filing date of the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant
- Obtain a state court order that must be in effect on the filing date of the Form I-360 and when United States Citizenship and Immigration Services (USCIS) makes a decision on your application, unless the child "aged out" of the state court's jurisdiction due to no fault of her own
- The child cannot be married, both when filing the application and when USCIS makes a decision on the application
    - "Not married" includes a child whose marriage ended because of annulment, divorce or death
    - The child must be inside the United States at the time of filing the Form I-360

If the child is in the legal custody of the U.S. Department of Health and Human Services (HHS):

- The child must request permission from HHS for the court to legally place her somewhere else
- The child does not need to request permission from HHS if the state court does not place her somewhere else.

Asylum claims are sought by children who seek protection in the U.S. from harm or fear of future harm in their home countries. Grounds for asylum frequently involve resistance to gangs or cartel recruitment, resistance to relationships with gang members (e.g., girl with a boyfriend who is a gang member), domestic or family violence, forced marriage, gender violence, imputed political opinion, and clan-based persecution.

There are six requisite elements for an asylum claim:

- The child is in the U.S. and is afraid to return to her home country.
- The reason the child is afraid to return is because someone harmed him in the past or he has a future fear of being harmed.
- The harm must be serious, may be physical but also may be threats or verbal abuse.
- The reason the person is harming the child is because of an affiliation that cannot be changed (race, religion, political views, gender, sexual orientation, or membership in a social group).



"An attorney can assist the unaccompanied immigrant child in determining which of several forms of relief are most appropriate."



"Grounds for asylum frequently involve resistance to gangs or cartel recruitment...domestic or family violence, forced marriage, gender violence, imputed political opinion, and clan-based persecution."

- The country from which the child is fleeing cannot or is unwilling to protect the child from harm.
- There is no other location in the home country where the child can live safely.

Two visas offer protection in limited circumstances:

- A trafficking visa (T Visa) protects victims of severe forms of human trafficking, including sex and labor trafficking. It allows a child to remain legally in the U.S. for four years; after three years the child can apply for legal resident status.
- A U visa protects victims of certain serious crimes that occur within the United States. Certification is required from federal, state, or local law enforcement to show the child is being helpful/cooperating. While a U visa protects immigrant children who are victimized in the U.S., claims involving harm during an immigrant child's journey may support a U Visa if the action can be tied in some way to the U.S.

Deferred Action for Child Arrival Program (DACA) is a discretionary form of temporary status that provides the youth employment authorization and a two-year deferral from deportation. On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. On November 20, 2014, the President announced an extension of the period of DACA and work authorization from two years to three years.

Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status. Many immigrant youth are ineligible for this relief since they are just crossing the border or have not been in the country for the required period.



"It is crucial that the legal community unite to address the vast need for representation..."

Both www.ambar.org/ican and www.immigrationadvocates.org contain catalogue trainings – available online and in person – as well as materials that provide greater detail on the requirements for each form of relief described above.

What Organizations Can Do to Help

Not all legal providers assist unaccompanied minors in immigration matters. Some, such as LSC grantees, are limited in the assistance they are able to provide by governing regulations; others are limited by resources or mission. That does not mean, however, that those organizations cannot support this critical issue in other ways.

One key manner by which to support this issue is to familiarize yourself with organizations in your area that do offer assistance to unaccompanied minors in immigration matters. In the event that a potential client contacts your organization, the ability to refer that person to the appropriate organization for assistance goes a long way toward getting them the necessary assistance.

Another is to know what assistance your organization can offer. LSC grantees, for example, may offer assistance to certain immigrants in limited matters. A detailed examination of the circumstances is beyond the scope of this article, but it is recommended that LSC programs review and become familiar with §1626, and in particular §1626.4, regarding alien eligibility for services as well as LSC Program Letter 14-3.

Organizations can also collaborate with immigration-oriented providers on recruitment of attorneys. Examples include developing joint recruiting campaigns to bar associations or referring volunteers with family law experience to organizations as volunteers or mentors in SIJS matters. Partnering on training in substantive areas, such as U and T Visas, or on the ethics of representing a child client, is yet another way organizations can pool resources in the furtherance of addressing this crisis.

Conclusion

The influx of unaccompanied children from Central America in 2014 was unprecedented in comparison to previous years, but likely to repeat as long as conditions in Central America continue to remain a threat to the security of families and children residing there. It is crucial that the legal community unite to address the vast need for representation and to ensure that these and future children receive the due process to which they are entitled. ■

Cheryl Zalenski is the director of the American Bar Association Center for Pro Bono.

Legal Services Access for All: Implementing the Violence Against Women Act of 2005



"[Legal] services assist survivors in rebuilding their lives and the lives of their children and achieving a life free of abuse."

By Benish Anver, Henrissa Bassey and Leslye E. Orloff

I. Congress' Expansion of Access to Legal Services for Survivors

Legal advocacy services provide crucial support for survivors of violence against women. These services assist survivors in rebuilding their lives and the lives of their children and achieving a life free of abuse. Over the past two decades, congressional recognition of the central role legal services plays in enabling survivors to attain social, emotional, and economic well-being[1] has led to the continuous expansion of access to federally funded legal services for survivors of violence. This expansion has included providing access to free legal services from programs funded by the Legal Services Corporation (LSC) for immigrant survivors of violence.

The LSC, created in 1974, is the largest funder of civil legal aid for low-income populations in the United States. LSC annually distributes funding allocated by Congress to legal services programs throughout the country in furtherance of LSC's mission to promote equal access to justice.[2] However, the LSC Act, implementing regulations, and annual appropriations riders govern the types of services grantees may provide and restrict who is eligible for those services. Two decades ago, access to LSC funded legal assistance by immigrants who were not lawful permanent residents was severely limited.[3] Even with significant experience in representing victims of domestic violence in protection order cases, custody cases, and other legal matters, LSC grantees were prohibited from providing critical legal services for immigrant survivors of domestic violence with tragic results. The murder of Mariella Batista, an immigrant lawfully present in the United States, by her abusive husband, sparked the beginning of Congress' expansion of access to legal services for immigrant survivors of violence.

Remembering Mariella

Twenty-eight-year-old Mariella, applied to an LSC funded program for assistance in a custody case brought by her abusive husband, after suffering years of abuse.[4] Her income was within LSC's poverty guidelines and she was financially eligible for their services. But, the program was forced to deny her representation[5] because Congress had severely limited access to LSC funded service for immigrants who were not lawful permanent residents.[6] Mariella was able to locate a pro bono attorney to assist her. This attorney, with no domestic violence or safety planning experience or expertise, scheduled a meeting with her

on the courthouse steps on the date of her custody hearing.[7]

As Mariella climbed the courthouse steps to meet her lawyer, her husband shot her to death in front of their nine-year-old son.[8]

"The vast majority of victims who sought legal services were victims of domestic violence...and sexual assault...who were living with their children."

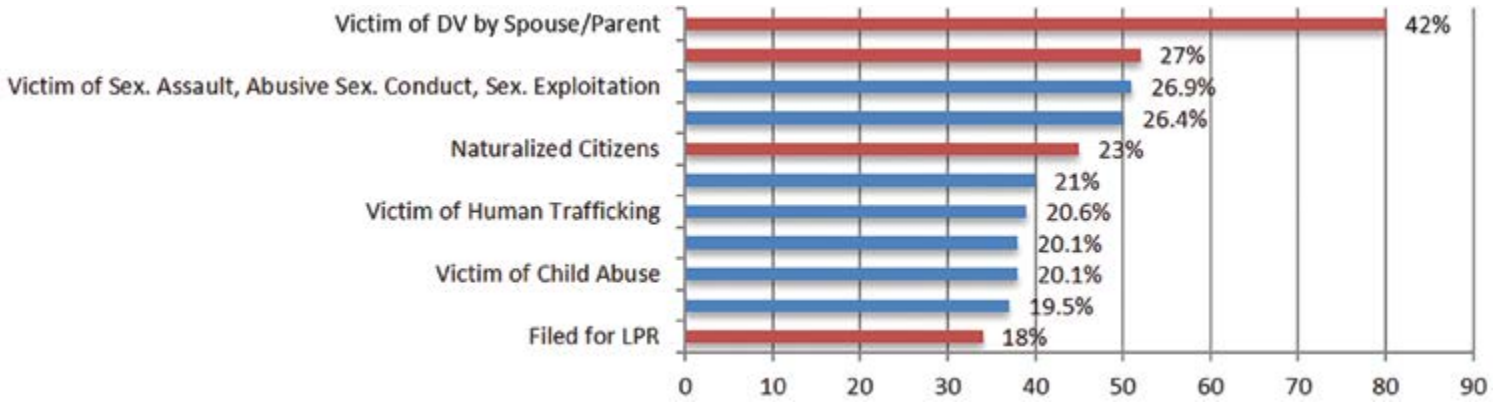
Mariella's case precipitated the passage of the 1996 "Kennedy Amendment"[9] allowing LSC funded programs to use non-LSC funds to provide legal services to immigrant victims of domestic violence who were not otherwise eligible for LSC funded services, provided that the victim was battered by a spouse or parent.[10] Congress continued to expand Violence Against Women Act (VAWA)[11] protections. A key provision in VAWA 2005 championed by Senators Richard Durbin and Edward Kennedy expanded access to LSC funded legal representation to all immigrant victims of domestic violence, sexual assault, and human trafficking, and immigrant victims of the full range of criminal activities that the U visa for crime victims was designed to protect.[12]

These improvements provide legal protections for crime victims who, because of their immigration status, are especially vulnerable to victimization. Lack of legal immigration status and dependence on family members and employers to attain legal immigration status and work authorization leave immigrant women and children vulnerable to sexual and domestic violence.[13] Immigrant women's work in the informal economy places them at risk of experiencing unsafe working conditions and susceptability to discrimination, sexual harassment, sexual exploitation and mistreatment.[15] As the immigrant population grows in communities, small and large, urban and rural, across the United States,[16] facilitating access to the criminal and civil justice systems for immigrant crime survivors also improves public safety. With access to help from police, prosecutors, lawyers and courts, immigrant crime victims play an enhanced role in reporting and assisting law enforcement in bringing perpetrators of crime to justice.[17]

Unfortunately, despite VAWA 2005's expansion of access to LSC funded legal services for a broad array of immigrant crime victims, as late as 2012 large numbers of immigrant crime victims legally eligible for representation[18] by LSC funded programs were being turned away. Research on access of LSC funded programs found that only 26.4 percent of LSC funded programs took cases of immigrant crime victims without restriction.[19] Acceptance rates for immigrant victims' cases were low: 21 percent non-spousal domestic violence; 20.6 percent human trafficking; and 26.9 percent sexual assault. The vast majority of victims who sought legal services were victims of domestic violence (44.8 percent) and sexual assault (37.1 percent)[20] who were living with their children.[21]

When immigrant crime victims sought access to LSC funded programs, significant numbers were told by LSC funded programs that they were turned away for reasons that reflected lack of understanding of VAWA's immigrant access provisions.[22] The graph below reveals the types of cases accepted. The red bars are 1997 Kennedy Amendment cases that remain eligible under current law. The blue bars indicate the new types of cases acceptable under VAWA 2005.[25]

Restrictions Imposed on Immigrant Applicants for Legal Services by LSC Funded Programs



"Seeking immigration relief is not a prerequisite to LSC funded representation under the anti-abuse section of the statute and the new LSC regulations."

II. Expansion of Eligibility for Services in Revised LSC Regulation, 45 C.F.R. 1626 and LSC Program Letter 14-3 – Two Paths: Relief from Abuse & Immigration Status

In April 2014, LSC amended its regulation to fully implement Congressional expansions of access to legal services by both VAWA 2005[24] and VAWA 2000. A non-citizen can be eligible for services under the Anti-Abuse laws[25] or based on immigration status.[26] Seeking immigration relief is not a prerequisite to LSC funded representation under the anti-abuse section of the statute and the new LSC regulations. Some immigrant victims will, for victim safety reasons, choose not to apply for immigration relief.[27] If a victim chooses not to apply for immigration relief, immigrant victims of domestic violence, sexual assault, human trafficking or U-visa qualifying crimes can and should receive a wide range of other legal assistance from LSC funded agencies related to their abuse. Available representation related to the abuse may include but is not limited to family law, protection order, housing, and public benefits matters.

Representation in Any Legal Matter "Directly Related" to the Abuse

While victims who fall within the definition of severe forms of human trafficking are not limited in the scope of the legal services they can receive, all other victims receiving services funded by LSC under the anti-abuse section of the regulation may only receive legal assistance needed to "escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse."[28] Though it may appear that these definitions, on their face, are narrow, LSC funded agencies are authorized to provide legal assistance that is directly related to escaping abuse, ameliorating the effects of the abuse, or preventing future abuse for immigrant victims[29] including legal assistance related to accessing public benefits, attaining any form of legal immigration status, securing quality housing, and any "other matters related to the abuse that are offered to other clients of the LSC agency.[30] In the preamble to the final anti-abuse rule, LSC discusses the fact that it expects LSC funded agencies to interpret the term "directly related" broadly.[31] The examples in the preamble were intentionally meant to be "illustrative rather than exhaustive."[32] This approach is similar to the approach LSC took in the original regulation implementing the Kennedy Amendment,[33] and is consistent with VAWA's legislative history.[34] Therefore, LSC funded agencies are now authorized to provide a broad range of related legal assistance to immigrant crime victims including representation, advocacy or counseling meeting a multitude of victim client needs.

If the immigrant victim, after safety planning, determines that they can safely apply for immigration relief, the attorney working with the immigrant victim must first determine whether obtaining immigration relief is related to the immigrant victim's ability to overcome or prevent the underlying qualifying abuse. Once it is determined that applying for immigration relief for the immigrant victim qualifies as "related legal assistance," the attorney has an ethical obligation to pursue forms of immigra-

tion relief that the immigrant victim is most likely to safely apply for and successfully obtain, including but not limited to VAWA related options.

Immigrant victims represented under the anti-abuse regulation, 1626.4, who pursue immigration relief, will become eligible for full representation under 1626.5 once they file for lawful permanent residency. For example, when an LSC funded attorney files a victim's VAWA, T or U visa case, approval of the case eventually leads to the victim's eligibility to apply for lawful permanent residency. VAWA self-petitioners whose abusers are U.S. citizen spouses, parents or over 21-year-old children are immediately eligible to apply for lawful permanent residency once the VAWA self-petition has been approved. As soon as the victim's application for lawful permanent residency is pending, the victim's basis for representation by the LSC agency can shift from representation related to abuse under anti-abuse laws to immigration status based representation, which allows for representation on any legal matter. It should be noted that there are much longer wait times to qualify to apply for lawful permanent residency for VAWA self-petitioners whose abusers are lawful permanent residents (9 months to 2 years as of April 2014) and U visa recipients (3 years).[35]

Representing victims of domestic violence, battering or extreme cruelty

The LSC rule adopts the definition of "domestic violence" developed by the U.S. Department of Homeland Security (DHS) in the VAWA self-petitioning regulations.[42] Both immigration relief and legal services representation are open to immigrants who suffer "battering or extreme cruelty"[43] including those who have been "subject to battery or extreme cruelty by a spouse, parent, or member of their spouse's or parent's family residing in the same household," and the immigrant parents of child crime victims who have faced batteUry or extreme cruelty by a spouse, parent or member of their spouse's or parent's family residing in the same household.[44]

The Immigration and Naturalization Service (INS) and DHS recognized, in issuing regulations and policy memoranda, that it was not possible to anticipate all of the different types of abuse that are a part of an "overall pattern of violence"[45] that could qualify as battering and extreme cruelty.[46] Applying the DHS approach, the range of abusive acts that could qualify as battering and extreme cruelty is broad, allowing many needy immigrant crime victims to qualify for legal services.

In many cases, abandonment and/or neglect of children falls within the scope of abusive behaviors covered by DHS's broad definition of battering or extreme cruelty. LSC has issued a program letter, LSC Program Letter 14-3, to provide guidance on when LSC funds can be used to represent unaccompanied minors entering the United States. The child's circumstances must fall within one of the exceptions in 45 C.F.R. 1626, which include being the victim of battery or extreme cruelty.

Eligibility may vary based on the facts of the individual immigrant child's case. Factors programs should consider in determining whether a child's neglect or abandonment constitute extreme cruelty should include both an examination of the harm suffered by the child experiencing neglect or abandonment and the severity of the parents' actions towards the child and would include, but not be limited to, at a minimum, some of the following types of considerations:[47] the child's age, physical and mental health; any preexisting conditions the child may have that may have been aggravated by the abandonment or neglect; how the neglect or abandonment affected the child; whether the neglect or abandonment of the child caused mental injury; whether the neglect was a

Victims Who are Eligible for LSC Funded Legal Assistance under Anti-Abuse Laws[36]

- ✓ Battered or subjected to extreme cruelty[37] :
  - All victims of domestic violence as defined by state protection order and criminal statutes
  - Victims of extreme cruelty including but not limited to coercive control
  - Victims that have been abused or subjected to extreme cruelty by a parent, step-parent, spouse, former spouse, or a son or daughter
  - Victims of heterosexual and same-sex partner violence, married and unmarried
- ✓ Victims of sexual assault[38]
- ✓ Victims of human trafficking[39]
- ✓ Victims of severe forms of human trafficking (continued presence and T visas)[40]
- ✓ U visa criminal activity that has occurred in the United States or has violated U.S. law[41]
- ✓ Children of all of the eligible victims listed in the anti-abuse regulations

Immigrant Victims and their Presence in the U.S. at the Time They Apply for Legal Services

LSC Regulation Section	Immigrant Victim Category	Presence Required?	Activity's Relation to the United States
§ 1626.2(k)(2)	Human trafficking VAWA LSC 2005	Yes	Trafficking can take place inside or outside the U.S.
§ 1626.2(j)	Severe form of human trafficking (TVPA)	Yes	Trafficking can take place inside or outside the U.S.
§ 1626.2(h)	Human trafficking as a U visa crime	No	Trafficking can take place inside or outside the U.S.
§ 1626.2(b)	Domestic violence	No	Domestic violence can take place inside or outside of the U.S.
§ 1626.2(k)(1)	Sexual assault	No	Sexual assault can take place inside or outside of the U.S.
§ 1626.2 (h)	U visa qualifying criminal activity	No	Qualifying criminal activity can take place inside or outside of the U.S.
§ 1626.2 (b)	Battering or extreme cruelty	No	Battering or extreme cruelty can take place inside or outside of the U.S.

series of acts that, if taken together, establish a pattern of extreme cruelty, even when no single act alone rises to that level; whether the abandonment or neglect would qualify for mandatory child abuse reporting under state law; or the severity of the parents' conduct in abandoning or neglecting the child. Each of these factors should be considered at the time of the neglect or abandonment, at the time of application, and against the background of the totality of the circumstances of immigrant child's life. Location of the abuse, abandonment or neglect in or outside of the U.S. is not a factor.

For Many Victims, Presence in the U.S. is Not Required for Representation

One of the important issues the LSC anti-abuse section of the regulation addresses is whether and in which types of cases LSC funded programs can represent immigrant crime victims without regard to whether the crime victim is in the United States at the time the victim applies for legal services from the LSC funded agency. Victims do not need to be present in the U.S. at the time they apply for legal services.[48] Following the lead of Congress and DHS in cases involving immigrant crime victims,[49] under LSC's anti-abuse regulations, victims of domestic violence, battering, extreme cruelty, sexual assault and other U-visa listed criminal activities (e.g. trafficking, felonious assault, kidnapping) may be represented whether they are in the U.S. or abroad and do not have to have been victimized in the United States, so long as the qualifying victimization would have "violated a law of the United States." LSC issued Program Letter 14-3 on October 29, 2014 defining the term "violated a law of the United States" to include domestic violence, battering or extreme cruelty, sexual assault, human trafficking, severe forms of human trafficking, and other U visa listed criminal activities, regardless of whether the qualifying criminal activity occurred in the U.S.

The chart above illustrates which immigrant victims must be present in the United States at the time they apply for legal services and which do not.[51]

Three Distinct Paths to LSC representation available to victims of human trafficking

LSC funded agencies may provide legal assistance to victims of "severe forms of trafficking", as defined by the Trafficking Victims Protection Act (TVPA), even if the trafficking did not take place in the United States, as long as the victim is present in the United States when applying for legal services.[52] The TVPA defines victims of severe forms of human trafficking to include victims who have been recruited, harbored, transported, or obtained for the purpose of a commercial sex act and include adults compelled to engage in "sex acts" through the use of fraud or coercion, minors induced to perform sex acts, and people who are forced or fraudulently recruited, harbored, or transported for

labor or services that subject them to involuntary servitude, peonage, debt bondage, or slavery.[53] The TVPA has authorized LSC funded agencies to provide legal assistance to trafficking victims' children and family members who have been granted T visas.[54]

The ability of LSC funded programs to represent immigrant trafficking victims is not limited to immigrant victims of severe forms of human trafficking as defined by the TVPA. The LSC anti-abuse regulations authorize representation for two additional groups of human trafficking victims: 1. U-visa-eligible trafficking victims and 2. VAWA-2005 trafficking victims who do not fall within the TVPA's "sex trafficking" and "severe forms of trafficking person" definitions and who may not be eligible for U visas. A significant distinction between these groups is the fact that U-visa-eligible trafficking victims qualify for legal services representation whether or not they are physically present in the U.S. at the time that they seek legal assistance from an LSC funded agency.

LSC Funded Representation for Unmarried Victims and Victims in Same Sex Marriages

VAWA 2005 removed the Kennedy Amendment's spousal restrictions, allowing LSC funded programs to use both LSC and non-LSC funds to provide legal assistance for immigrant victims of domestic violence, sexual assault, trafficking, and other U visa criminal activities to represent victims of domestic violence who were not married to their abusers.[55]

Additionally, on June 26, 2013, the U.S. Supreme Court struck down a provision of the Defense of Marriage Act (DOMA).[56] The impact of this decision[57] is that, as a matter of federal law, all marriages performed in the United States are valid without regard as to whether the marriage is between a man and a woman, two men, or two women. As federal government agencies implement *Windsor*, DHS began granting immigration visa petitions filed by same-sex married couples in the same manner as ones filed by heterosexual married couples.[58] As a result, VAWA self-petitioning is now available to same-sex married couples. This includes protections for all spouses without regard to their gender, gender identity, or sexual orientation including transgender individuals. Victims of battering or extreme cruelty perpetrated by a U.S. citizen or lawful permanent resident spouse against a same sex partner in the marriage are now eligible to file VAWA self-petitions. Similarly, immigrant victims of child abuse or extreme cruelty perpetrated by the child's U.S. citizen or lawful permanent resident step-parent through a same sex marriage are eligible to self-petition.

III. Effective Implementation

Revising screening and intake procedures

Under the LSC regulations, LSC funded agencies can determine how they will conduct their intake processes in the ways they determine are the most effective at identifying clients who are eligible for services and whose cases are within the agency's priority areas.[59] LSC funded agency intake and screening procedures should be revised to focus on initially determining eligibility based on victimization and only turning to immigration status inquiries for non-victims.[60] LSC funded agencies should allow immigrant victims applying for legal assistance under the anti-abuse section of the regulation to prove their eligibility for representation using the standard of credible evidence available to the victim.[61] Information provided by victim services providers and other professionals or witnesses may be available to some victims providing evidence of battery, extreme cruelty, sexual assault or crime victimization that can be helpful to LSC funded agencies in their eligibility determinations.[62] The issue of whether an immigrant crime victim additionally qualifies under immigration grounds of eligibility can be addressed at a later stage of representation if the victim may need such eligibility to secure legal assistance on an issue that is not related to the abuse. If an immigrant applicant is not initially referred to the LSC funded agency as a crime victim, then the agency should determine eligibility based on immigration status.

Removing recordkeeping

The LSC recently removed the recordkeeping requirement that LSC funded agencies keep or retain copies and supporting documentation for U visa, T visa and "any other grant of immigration status" for victims receiving legal services from LSC funded organizations.[63] To protect privacy and confidentiality, it is recommended that the least amount of evidence be utilized to demonstrate that the victim is eligible for U Visa, T Visa, VAWA self-petition or another type of immigration status. LSC recommended that, in those cases where an immigrant victim presents evidence of immigration status, recipients should record the type of evidence they were shown, the applicant's alien registration number ("A number"), the date of the document, and the staff member that was shown the document.[64] Further, when an LSC funded pro-

"Immigrant victims of domestic violence and sexual assault are understandably hesitant to share private information. In addition to attempting to escape their perpetrators, they may worry about being reported to a law enforcement agency that may deport them."

gram is presented with evidence documenting an applicant's immigration status, they are required to protect that information both under client confidentiality and VAWA confidentiality.

Improving privacy and confidentiality

Immigrant victims of domestic violence and sexual assault are understandably hesitant to share private information. In addition to attempting to escape their perpetrators, they may worry about being reported to a law enforcement agency that may deport them. For immigrant crime victims' confidentiality, privacy, VAWA immigration confidentiality, and privileged communications are essential components of effective legal representation. For these reasons, the LSC letters and LSC regulations have prohibited LSC funded agencies from asking immigrant victims of crime about their immigration status.[65] Thus, intake procedures should be changed so that immigrant victims are first questioned about criminal activities committed against them rather asking questions about victims' immigration status.[66]

Opportunities for LSC funded agencies created by developing collaborative partnerships with victim services agencies

The anti-abuse pathway provides LSC funded agencies an opportunity to reach out to and to develop relationships with victim services programs in the LSC agencies' service area that have experience and expertise serving immigrant victims of domestic violence, sexual assault, and human trafficking. Many LSC funded agencies have already established these relationships and are models of successful collaboration.[67] Collaboration with victim services programs can help LSC funded agencies with the agency's priority setting process,[68] outreach, community education, case management, safety planning, obtaining U-visa certifications,[69] and other critical issues that victims services programs have expertise in. LSC programs interested in identifying organizations with experience serving immigrant populations in their state should consult the National Directory of Programs Serving Immigrant Victims developed and maintained by NIWAP.[70]

IV. Conclusion

LSC was designed in recognition of indigent population's heightened vulnerability and need for critical legal services. Congress has recognized that legal representation is often an immigrant victim's sole pathway out of poverty and abuse. Continuing to expand the types of legal services for which immigrant victims are eligible, will secure for them a future free of domestic violence, sexual assault, trafficking and trauma, and filled with economic productivity, employment opportunities, and the core tenet behind VAWA, the Durbin and Kennedy Amendments, and the Legal Services Corporation – Justice. ■

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1. Legal Services Corporation, *Restrictions on Legal Assistance to Aliens*, 45 C.F.R. § 1626 (2014); Legal Services Corporation Appropriations Act of 1996 § 504(a)(11) ; Legal Services Corporation Act of 1974, 42 U.S.C. § 2996; TVPA 2000 § 1201; *see also* Sen. Edward M. Kennedy, Address Before the Senate Committee on Appropriations (June 26, 1996) (transcript on file with author); *see also* Leslye E. Orloff et al., *Opening a Door to Help: Legal Services Programs' Key Role in Representing Battered Immigrant Women and Children,* 37 CLEARINGHOUSE REV. 37 (May-June 2003).
2. Legal Services Corporation Act of 1974, 42 U.S.C. § 2996.
3. Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriation Act of 1996, § 504(a)(11), Pub. L. 104-134, 110 Stat. 1421 (Apr. 26, 1996), available at: http://www.gpo.gov/fdsys/pkg/PLAW-104publ134/pdf/PLAW-104publ134.pdf; *See also* 45 C.F.R. § 1626.5 (1996).
4. William Claiborne, *Abused Immigrant Slain After Plea for Legal Services Help is Denied, New Law Limits Federal Program To Lawful Permanent Residents*, WASH. POST, June 5, 1996, at A3, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/stories/Stories - Abused Immigrant Slain AFter Plea for Legal Services Help is Denied.pdf
5. *Id.*
6. Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriation Act of 1996, § 504(a)(11), Pub. L. 104-134, 110 Stat. 1421 (Apr. 26, 1996), available at: http://www.gpo.gov/fdsys/pkg/PLAW-104publ134/pdf/PLAW-104publ134.pdf; *See also* 45 C.F.R. § 1626.5 (1996).
7. *Id.*
8. *Id.*
9. Sen. Edward M. Kennedy, Address Before the Senate Committee on Appropriations (June 26, 1996) (on file with authors).
10. *See generally*, Leslye E. Orloff et al., *Opening a Door to Help: Legal Services Programs' Key Role in Representing Battered Immigrant Women and Children,* 37 CLEARINGHOUSE REV. 37 (May-June 2003).
11. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. 104–208, 110 Stat. 3009-546 (1996); Violence Against Women Act of 2000 (VAWA 2000), Pub. L. No. 106-386, 114 Stat. 1464; Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. L. 109-162, 119 Stat. 2960
12. VAWA 2005 Section 103.
13. *See* Leslye Orloff and Kavitha Sreeharsha, *Family Immigration and Immigrant Women* (September 22, 2009), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/research-immigrant-women-in-the-united-states/Family Immigration and Immigrant Women LM.pdf/view; *see also* Giselle Aguilar Hass, Nawal Ammar, and Leslye Orloff, *Battered Immigrants and U.S. Citizen Spouses* (When foreign born women are dependent upon their citizen husbands to attain legal immigration status the domestic abuse rate for these women reaches 59.5 percent), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/iwp-training-powerpoints/2012/september-9-12-2012-san-diego-ca/research/BB_RSRCH_ImmVictims_Battered_Imm.pdf/view
14. Employment in the informal economy includes women who work as childcare workers, elder and home health care providers, domestic workers, hotel and resturant workers, office cleaners, farm and food processing industry workers.
15. Seventy-seven percent of Latina immigrant workers report that sexual harassment is a major problem at work (Southern Poverty Law Center, *Life for Low Income Latinos in the South* (April 2009), available at: http://www.splcenter.org/sites/default/files/downloads/UnderSiege.pdf.
16. As of 2013, 13.1 percent of persons living in the United States were foreign born and over half (51.2 percent) of the foreign born population are female. Among foreign born persons, 46.7 percent are naturalized citizens. Of the 53.3 percent noncitizen foreign born population, 60.3 percent are lawful permanent residents and the remaining 39.7 percent have temporary legal immigration status or are undocumented. Of the under 18 year-old children population in the United States, 24.9 percent have one or more foreign born parents. Among low income children, 30.9 percent have one or more foreign born parents. See Migration Policy Institute Demographics for the United States, http://www.migrationpolicy.org/data/state-profiles/state/demographics/US
17. Krisztina E. Szabo, David Stauffer, Benish Anver & Leslye E. Orloff, Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants, NIWAP (Feb. 12, 2014), available at http://niwap.org/reports/Early-Access-to-Work-Authorization.pdf Leslye E. Orloff, Jeanne Cohn-Connor and Eileen Lohmann, The Importance of the U-visa as a Crime-Fighting Tool for Law Enforcement Officials - Views from Around the Country (December 3, 2012) available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/u-visa/research-reports-and-data/Importance-U-visa-Crime-Fighting-Tool.pdf/view
18. LSC funded agencies were legally authorized to provide representation beginning in 2005 under VAWA 2005 Section 103's statutory authority and under the Letter from Helaine M. Barnett, President, Legal Services Corporation, to All LSC Program Directors, Violence Against Women Act of 2006 Amendments (Feb. 26, 2006)(Program Letter 06-2), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Civil Society - Program Letter 06-2- Violence Against Women Act 2006 Amendments.pdf
19. For a detailed report on the survey conducted by the National Immigrant Women's Advocacy Project (NIWAP), *see* Sofia Vivero, Leslye E. Orloff, Daniel J. Quinones, Benish Anver, & Charles Palladino, Report to the Legal Services Corporation: Immigrant Victims of Domestic Violence, Sexual Assault, and Human Trafficking and Access to Legal Services (June 19, 2013) (hereinafter "NIWAP Report to LSC"), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Appendix-I-LSC-Report.pdf
20. *Id.* at 15.
21. *Id.* at 16 (30.2 percent had one child; 32.3 percent 2 children and 37.5 percent three or more children).
22. *Id* at 21.
23. *Id* at 21-22. "None" means the program accepted cases of immigrant victims and no restrictions were imposed and the LSC funded programs accepts cases of immigrant crime victims consistent with VAWA 2005.
24. Legal Services Corporation, Restrictions on Legal Assistance to Aliens, 78 Fed. Reg. 51696, 51697 (proposed Aug. 21, 2013)(to be codified at 45 C.F.R. pt. 1626), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/2013-20040.pdf; *see also* Legal Services Corporation, Restrictions on Legal Assistance to Aliens, 79 Fed. Reg. 21861, 21861-62 (Apr. 18, 2014) (codified at 45 C.F.R. § 1626), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/LSC regulations April 2014.pdf
25. 45 C.F.R. § 1626.4 (2014).
26. 45 C.F.R. § 1626.5 (2014). For a more detailed discussion of representation based on immigration status, including in-depth information about the categories of immigrants that qualify for legal services under this provision, *see also* Benish Anver, Henrissa Bassey. & Leslye Orloff, *And Legal Services for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes* (Nov. 2014), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/And-LSC-for-All.pdf/view.
27. For a detailed discussion on legal services and how to provide legal services to an immigrant victim of crime, regardless of whether an application of immigration relief is part of those services and a graphic flow chat that summarizes the eligibility process, *see id* at 27.
28. 45 C.F.R. § 1626.4(b)(2) (2014). For a discussion of legal services available to victims of human trafficking and severe forms of human trafficking, please see the section titled *Three Paths to LSC representation available to victims of human trafficking* below.
29. *See* Program Letter 06-2 to All LSC Program Directors, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Civil Society - Program Letter 06-2- Violence Against Women Act 2006 Amendments.pdf
30. NIWAP Report to LSC, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Appendix-I-LSC-Report.pdf
31. *See* 45 C.F.R §1626 (2014).
32. 79 Fed. Reg. 21861, 21868 (2014) (during the notice and comment period, several comments regarding the inclusion of "related legal assistance" were submitted), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/LSC regulations April 2014.pdf
33. 62 Fed. Reg. 45755 (1997), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/regulations/Civil Society - 4755 Legal Services Corporation- 45 CFR Part 1626- Restrictions on Legal Assistance to Aliens- 62 FR 45755 Final Rule.pdf
34. *See* Leslye E. Orloff & Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses,* 10 AM. U. J. GENDER SOC. POL'Y & L. 96 (2002), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/vawa-self-pe-

tition-and-cancellation/research-reports-and-data/VAWA_Offering_Helping_Hand_History.pdf

35. For technical assistance on wait times, please contact NIWAP at 202-274-4457 or via email at info@niwap.org.
36. *See* Catherine Longville & Leslye E. Orloff, *Access to Publicly Funded Legal Services for Battered Immigrants* (2014), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/genera-information/AccesstoLegalServices_KSleoBA_6.23.14FINAL.edit.diFINALforOVW.docx
37. As defined in 45 C.F.R. § 1626.2. This definition is identical to the definition of battering or extreme cruelty in immigration regulations (see 8 C.F.R. §204.2(c)(1)(vi)); *see also* Leslye E. Orloff, Brittnay Roberts, & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases* (Oct. 13, 2013), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/reports-memos-social-science-research-and-related-data/Extreme-Cruelty-BIA-training-memo.pdf
38. As defined at 42 U.S.C. § 13925(a)(29).
39. Refers to human trafficking that includes, but is broader than "severe forms of human trafficking" or "sex trafficking" and could include crimes that violated a state or federal law. To qualify for legal representation by an LSC funded agency, the trafficking may have occurred inside or outside of the U.S., but the victim must be present in the United States at the time of the application for legal services.
40. 45 C.F.R. § 1626.4(a)(2014); *see also* 22 U.S.C. § 7105(b)(1)(c) (defining "severe forms of trafficking").
41. U visa listed crimes are any of the following: abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, female genital mutilation, felonious assault, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, unlawful criminal restraint, other related crimes (including attempt, conspiracy, or solicitation to commit any of the above and other related crimes). INA §101(a)(15)(U)(iii). It is important to note that all victims of U visa criminal activities (including trafficking) can receive LSC representation if there is evidence supporting their U visa eligibility; *see* 45 C.F.R. § 1626.3 (2014).
42. 61 Fed. Reg. 13061, 13066 (1996) (In its 1996 regulations regarding VAWA self-petitions, the Immigration and Naturalization Service (INS), the predecessor agency to DHS, recognized a broad definition of battering and extreme cruelty).
43. 61 Fed. Reg. 13061, 13065-66 (1996), 8 C.F.R. § 204.2(c)(1)(vi); *see also* Leslye E. Orloff, Brittnay Roberts, & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases 6* (Oct. 13, 2013) (citing In re CA. S., 828 A.2d 184 (2002), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/reports-memos-social-science-research-and-related-data/Extreme-Cruelty-BIA-training-memo.pdf
44. 45 C.F.R. § 1626.4- 1626.5 (2014).
45. *Id.*
46. *Id.*
47. This list is derived from the DHS U visa regulations discussion of physical or mental abuse; see Department of Homeland Security, *New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status*, 72 Fed. Reg. 53014, 53018 (Sept. 17, 2007), available at: http://niwaplibrary.wcl.american.edu/immigration/u-visa/regulations/UVISA_interim-regs-Fed-Reg.pdf
48. 45 C.F.R §1626 (2014).
49. In cases of immigration relief under VAWA, victims filing VAWA self-petitions can file either from inside the United States or abroad (VAWA 2000 § 1503(b)(3), 8 U.S.C. § 1534(a)(1)(A)(v) (2000) (provided that the victim "is a spouse, intended spouse, or child living abroad of a citizen who... is an employee of the United States Government; is a member of the uniformed services...; or has subjected the [victim] or the [victim's] child to battery or extreme cruelty in the United States; and is eligible to file a petition under clause (iii) or (iv), shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable"), available at: http://niwaplibrary.wcl.american.edu/immigration/vawa-self-petition-and-cancellation/statutes/VAWA-TVPRA-2000-whole-bill.pdf).VAWA 2000 also removed all U.S. geographic restrictions on the location of the victim when filing a VAWA self-petition. Similarly, both the U visa statute and regulations recognize that U visa applicants do not need to be in the United States to file for U visa immigration relief (72 Fed. Reg. 53014, 53021(Sept. 17, 2007), available at: http://niwaplibrary.wcl.american.edu/immigration/u-visa/regulations/UVISA_interim-regs-Fed-Reg.pdf). Additionally, the approach taken by LSC in the anti-abuse section of the regulation mirrors the approach taken by Congress with VAWA confidentiality protections which apply to all immigrant victims of domestic violence, sexual assault, human trafficking and all U visa crimes without regard to whether the victim has ever filed an immigration case (8 U.S.C. § 1364).
50. Program Letter from Ronald S. Flagg, General Counsel and Vice President for Legal Affairs, Legal Services Corporation, to All Executive Directors, *Assessing Eligibility of Aliens Under 45 C.F.R. § 1626.4(c)(1)* (Oct. 29, 2014)(hereinafter "Program Letter 14-3") (noting that "Section 1626.4(c) describes the relationship between both (1) the qualifying activity and the United States and (2) the victim and the United States. Under section 1626.4(c)(1), the qualifying activity *does not have to have occurred in the United States*")(emphasis in original), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Program Letter 14-3.pdf/view.
51. For a more thorough discussion on LSC Program 14-3 and the definition of "violated the law of the United States and whether presence of the victim in the United States is required at the time of application for legal services, see Anver, et al., *And Legal Services for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes* at 18-20, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/And-LSC-for-All.pdf/view.
52. 79 Fed. Reg. 21872 § 1626.4(c)(2)(ii) (2014).
53. *Id.*
54. TVPA 2003 § 107 (2003).
55. VAWA 2005 § 104(a)(1)(A) (2005). See Amanda Baran, *The Violence Against Women Act*

Now Ensures Legal Services for Immigrant Victims, 40 CLEARINGHOUSE REV.538 (Jan. – Feb. 2007).

56. *U.S. v. Windsor*, 133 S.Ct. 2675 (2013).
57. Memorandum from James J. Sandman, President, Legal Services Corporation, to All LSC Program Directors, Legal Services Corporation, *Alien Eligibility under 45 C.F.R. Part 1626 2* (May 19, 2014)(hereinafter "LSC Program Letter 14-2") (Consistent with the positions taken by the U.S. Department of Justice and the U.S. Department of Homeland Security following the Supreme Court's decision in *United States v. Windsor*, LSC will use the law of the place where the marriage was conducted, rather than the law of the state in which legal assistance is sought, to determine whether the marriage is legally valid for purposes of eligibility for LSC-funded legal assistance.) available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Progltr14-2 with chart.pdf
58. Department of Homeland Security, *Implementation of the Supreme Court Ruling on the Defense of Marriage Act* (last visited July 15, 2014), available at: http://www.dhs.gov/topic/implementation-supreme-court-ruling-defense-marriage-act
59. *Id.*
60. 79 Fed. Reg. 21861, 21869 (2014) (noting that the Office of Legal Affairs "stated that once a recipient determined that an individual has a legal need that would qualify for the exceptions of the anti-abuse statutes to the alienage requirement, the recipient does not need to inquire into the citizenship or immigration status of that individual"), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/LSC regulations April 2014.pdf
61. *See* For a compete legislative history of the VAWA any credible evidence standards, *see* Leslye E. Orloff, Kathryn C. Isom, and Edmundo Saballos, *Mandatory U Visa Certification Unnecessarily Undermines the Purpose of the Violence Against Women Act's Immigration Protections and Its "Any Credible Evidence" Rules- A Call for Consistency*, 10 GEO. J. GENDER & L. 619 (2010). For a more in-depth discussion of credible evidence, *see also* Benish Anver, Henrissa Bassey. & Leslye Orloff, *And Legal Services for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes* (Sept. 2014), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/And-LSC-for-All.pdf/view
62. For a non-exclusive list of the types of evidence an immigrant crime victims might offer to prove eligibility, *see* Leslye E. Orloff, Benish Anver, & Charles Palladino, *Comments on Proposed Rule Updates to the Legal Service Corporation Regulation on Legal Assistance to Aliens 45 CFR Part 1626 – 78 Fed.Reg. 51696 (Aug. 21, 2013)* (Oct. 21, 2013), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/LSC VAWA Comments 10-21-13 NIWAP FINAL.pdf
63. *Id.*
64. 79 Fed. Reg. at 21870 (2014), available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/LSC regulations April 2014.pdf
65. *See* Amanda Baran, *The Violence Against Women Act Now Ensures Legal Services for Immigrant Victims*, 40 CLEARINGHOUSE REV. 538 (Jan. – Feb. 2007).
66. *See* NIWAP Report to LSC, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/Appendix-I-LSC-Report.pdf
67. There are many successful collaborative partnerships between LSC funded agencies and local victim services programs across the country, examples NIWAP has identified include: Legal Aid Foundation of Los Angeles (CA), Bay Area Legal Services (CA), Legal Aid Society of NY (NY), South Brooklyn Legal Aid (NY), Texas Rio-Grande Legal Aid, Inc. (TX), and Legal Aid of North Carolina (NC).
68. Program Letter 14-3 notes that anti-abuse representation can now be part of the 45 C.F.R. Part 1620 priority setting process. For more on best practices for including victim services providers in developing the agencies implementation plan submitted to LSC, *see* Anver, et al., *And Legal Services for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes* at 26, available at: http://niwaplibrary.wcl.american.edu/reference/additional-materials/access-to-legal-services-for-immigrant-victims/civil-society/2014-lsc-regulations/And-LSC-for-All.pdf/view
69. Giselle Hass, Karen Monahan, Edna Yang and Leslye E. Orloff, U-Visa Legal Advocacy: Overview of Effective Policies and Practices (Dec. 12, 2013) http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/u-visa/research-reports-and-data/Practice-and-Policy-Brief.pdf/view
70. For a list of programs with expertise serving immigrant victims developed for the Office on Violence Against Women, DOJ, please visit: http://niwaplibrary.wcl.american.edu/reference/service-providers-directory