

LSC-Funded Legal Services

Free legal advice and representation in public benefits,
family law, evictions, and other civil matters

The Legal Services Corporation (LSC) provides...

- grants to legal services programs to give free legal services to low-income clients in noncriminal matters such as public benefits, housing, consumer issues, employment, education, and family law.

An LSC-funded program can accept a new case based on...

- the size and workload of its staff.
- the program's priorities, which define the types of cases each office will handle based on the local community's legal needs.
- federal law and LSC regulations limiting the types of clients and types of cases LSC-funded programs may handle.

A person's financial eligibility for services at LSC-funded programs depends on...

- income thresholds set by the local program, which reflect federal poverty guidelines.
- his or her assets (levels are set by local programs).

NOTE: In most instances, a person is not eligible for LSC-funded services if his or her family's income is more than 125 percent of the federal poverty guidelines.

Special considerations for immigrants and their families

- Only certain categories of immigrants are eligible for legal services from LSC-funded programs. However, certain victims of domestic violence, regardless of immigration status, can receive services if the program uses non-LSC funds to serve them.
- To be eligible for legal services, noncitizens must also be "present in the United States." Even if they leave the country, noncitizens meet this requirement if they maintain their U.S. residence or other lawful immigration status. Nonimmigrant agricultural

workers may be represented as long as they were present in the U.S. under an "H-2A contract" and their need for legal assistance arises out of an issue involving the contract.

- LSC-funded programs in the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands can serve persons without regard to the LSC immigration restrictions.

To apply, a person should...

- contact the nearest office and request an appointment.

IMPORTANT: Immigrants who are not eligible for services at LSC-funded programs should be referred to non-LSC-funded programs for assistance. A number of independent non-LSC-funded programs represent immigrants without restriction.

The law governing LSC-funded programs appears at:

Legal Services Corporation Act of 1974, 42 U.S.C. §§ 2996, *et seq.*, Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134 (1996): Depts. of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Pub. L. No. 105-119, (1997) and subsequent appropriations acts, 42 U.S.C. § 11607(b) (implementing the Hague Convention on the Civil Aspects of International Child Abduction), 45 C.F.R. §§ 1600, *et seq.*; immigrant eligibility at 45 C.F.R. §§ 1626.1–1626.12. **IMPORTANT CASE:** *Legal Aid Soc'y v. Legal Services Corp.*, 145 F.3d 1017 (9th Cir. 1998), *cert. denied*, 525 U.S. 1015 (1998).

An updated table with examples of documents acceptable for establishing a noncitizen's eligibility for LSC representation may be found at 68 FR 55539–42 (Sept. 26, 2003).

| LSC-Funded Legal Services |
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| ELIGIBLE IMMIGRANTS |
| <ul style="list-style-type: none"> • Lawful permanent residents • Refugees • Asylees • Persons granted withholding or deferral of removal/deportation • Victims of trafficking and their dependents • Conditional entrants • Immigrants who have filed an application for “adjustment of status” to permanent residence and who are married to a U.S. citizen, the parent of a U.S. citizen, or the unmarried child under 21 of a U.S. citizen (see box at right) • Special Agricultural Worker (SAW) temporary residents • Nonimmigrant agricultural laborers (H2A workers) (eligibility is limited to assistance regarding issues of wages, housing, transportation, and other employment rights provided in the H-2A contract under which the nonimmigrant worker was admitted) • Certain American Indians born outside the U.S. (who either were born in Canada or are members of the Texas Band of Kickapoo) • Foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child Abduction <p>LSC programs can also represent certain immigrant victims of domestic violence or abuse regardless of their immigration status, provided that:</p> <ul style="list-style-type: none"> • the immigrant seeking assistance either <ul style="list-style-type: none"> • has been abused or subjected to extreme cruelty in the U.S. by a parent or spouse (or by another member of the parent’s or spouse’s family residing in the same household as the immigrant, if the immigrant’s parent or spouse acquiesced to the abuse), <i>or</i> • is a parent whose child has been abused or subjected to extreme cruelty in the U.S. by a spouse, parent, or other member of the parent’s or spouse’s family in the same household, and the immigrant did not participate in or acquiesce to the abuse; • the program provides the representation using non-LSC funds; <i>and</i> • the legal assistance is directly related to preventing or obtaining relief from the abuse (e.g., such representation may include, but is not limited to: civil protection orders, divorce, housing, public benefits, employment, and immigration services). |
| INELIGIBLE IMMIGRANTS |
| Immigrants not listed as eligible. |

| DOCUMENTATION |
|---|
| <p>For LSC purposes, any of the following documents can be used to demonstrate a pending <i>adjustment of status</i> application (but any acceptable document must be supported by <i>proof of relationship to a U.S. citizen*</i> and <i>proof of filing**</i>):</p> <ul style="list-style-type: none"> • I-485 (application for adjustment of status based on family-based visa, registry, or various special adjustment laws) • I-256A or EOIR-40 (application for suspension of deportation) • EOIR-42 (application for cancellation of removal) • I-817 (application for Family Unity) • I-881 (application for NACARA suspension or special rule cancellation and adjustment) • OF-230 (application at consulate for visa) • I-129F (Petition for Alien Financé(e)) (for spouses and children of U.S. citizens applying for K-status) • I-130 (family-based immigrant visa petition) • I-360 (self-petition for widow(er) or abused spouse or child) • I-539 indicating application for V status • I-589 (application for asylum) • I-698 (application to adjust from temporary to permanent residence) • I-730 (refugee/asylee relative petition) • any verification from the INS or other authoritative document |

* *Proof of relationship* may include: copy of marriage certificate accompanied by proof of spouse’s U.S. citizenship; copy of birth certificate, religious archival document such as baptismal certificate, adoption decree or other documents demonstrating parentage of a U.S. citizen; copy of birth certificate, baptismal certificate, adoption decree, or other documents demonstrating non-U.S. citizen is a child under age 21, accompanied by proof that parent is a U.S. citizen; or, in lieu of the above, a copy of INS Form I-130 (visa petition) or I-360 (self-petition) containing information demonstrating that the non-U.S. citizen is related to such a U.S. citizen, accompanied by proof of filing.

** *Proof of filing* may include a fee receipt or cancelled check showing that the application was filed with U.S. Citizenship and Immigration Services or the immigration court; a filing stamp showing that the application was filed; or a copy of the application accompanied by a declaration or attestation signed by the immigrant, or the immigrant’s attorney or legal representa-

tive for the application, that such form was filed. Proof of filing is also established by:

- a **letter** or **Form I-797** from USCIS or the immigration court acknowledging receipt of or approval of one of the application forms listed in the table; *or*
- **I-94** (arrival/departure record) or **I-512** (advance parole) indicating entry to pursue an application listed in the table; *or*
- **I-688B** or **I-766** (employment authorization document) coded 8 CFR § 274a.12(c)(9) (applicant for adjustment), (c)(10) (applicant for suspension or cancellation), (c)(16) (registry applicant), (c)(21) (S-visa principal or dependent), (c)(20) or (22) (legalization applicant), (c)(24) (LIFE Act legalization applicant), (a)(9) (K-status), (a)(13) (Family Unity), (a)(14) (LIFE Act Family Unity), (a)(15) (V-status), (a)(16) or (c)(25) (T-status), or (c)(8) (asylum applicant).