

Amendment 1350 – To Eliminate the Provision of Government-Funded Lawyers To Illegal Aliens and to Eliminate the New DOJ Office of Legal Access Programs

My amendment would simply maintain current immigration law by striking the sections in the bill that provide for taxpayers to pay for lawyers to represent illegal aliens.

It would also strike the creation of the new DOJ Office of Legal Access Programs since there are already multiple new grant programs created in the bill to help illegal aliens navigate the legalization process.

S. 744 would give better representation rights to illegal aliens than are offered to American citizens.

Section 3502 of the bill provides for taxpayer-funded resources to help illegal aliens through the immigration process.

This includes providing a taxpayer-funded lawyer in certain removal proceedings, which is more than what an American citizen would receive in other types of civil cases.

Current immigration law already allows illegal aliens to hire counsel, ***at their own expense***, in removal hearings, but they are not guaranteed the ***right*** to court-appointed, taxpayer-funded lawyers.

However, this bill would strike the requirement that illegal aliens pay for their own lawyers.

The bill gives the Attorney General the “sole and unreviewable discretion” to “appoint or provide counsel to aliens in” removal proceedings, but that discretion is very broad and appears unlimited.

The bill also specifically mandates the Attorney General provide taxpayer-funded counsel to illegal aliens who are unaccompanied minors, mentally incompetent due to a serious mental disability, or is “particularly vulnerable when compared to other aliens in removal proceedings.”

Current law does not make a specific provision for these types of cases.

S. 744 would create an expensive new bureaucracy to assist illegal aliens with the new legalization process.

The bill creates a new Office of Legal Access Programs at the Department of Justice “to develop and administer a system of legal orientation programs to...[educate] aliens regarding administrative procedures and legal rights...and to establish other programs to assist in providing aliens access to legal information.”

The services this office provides must be made available to the detained illegal alien ***within 5 days of arrival into custody.***

There is no limit on what might be appropriated to this office – under the bill “such sums as may be necessary” are made available from the Trust Fund for these purposes.

This is one of many areas of the bill where Congress has decided it is more important to provide illegal aliens with services that we often fail to provide our own citizens.

While citizens are guaranteed the services of a public defender in a criminal case, there is no such guarantee in civil cases.

However, this bill proposes to give taxpayer-funded lawyers to non-citizens in civil immigration cases.

Elsewhere in the bill, illegal aliens are already provided with federal funds to help them navigate the legalization process:

Section 2106 establishes a new \$50 million grant program to provide federal funds to nonprofits to provide direct assistance to aliens seeking RPI status, green card status and DREAM Act amnesty. The grants can be used to provide legal assistance for those applicants, which could result DHS “providing grants for lawsuits against itself.”¹

¹ Hans A. von Spakovsky and Andrew Kloster, *Handouts to Lawyers and Special Interest Groups Add to Immigration Bill Costs*, <http://report.heritage.org/ib3932> (May 8, 2013).

These funds are diverted from the Immigration Trust Fund, which should be used for enforcement.

Section 2537 creates a new \$100 million grant program for USCIS to provide federal funds to nonprofits to “provide direct assistance” to illegal aliens applying for RPI status, those adjusting to green card status and those with green cards seeking naturalization. The funds merely must be used “within the scope of the authorized practice of immigration law,” which is very broad and would presumably include the provision of lawyers. Furthermore, the bill specifically states the funds can be used to help RPI applicants by providing “any other assistance the Secretary or grantee considers useful to aliens interested in applying for registered provisional immigrant status,” which would include the appeals process should RPI status be denied.

These funds are a separate authorization, yielding the expenditure of **\$100 million** in additional taxpayer funds for 5 years **and such sums as may be necessary** thereafter.

Section 2212 amends the restrictions on the existing Legal Services Corporation, which is a federally-funded nonprofit that provides legal services to low-income Americans, to allow LSC to provide legal services to those seeking agricultural worker amnesty (blue cards) or for those who have already received blue cards. The latter could presumably be used to fund worker grievance lawsuits against employers.

This amendment would merely sustain current law, ensure illegal aliens are not treated better than American citizens, and reduce duplication by eliminating the unnecessary new Office of Legal Access Programs at the DOJ.

I urge adoption of my amendment.