

**NYS Department of State
Office for New Americans
ONA Legal Technical Assistance RFA
Request for Applications #12-ONA-08**

RFA Updates

Part A of the RFA previously indicated that ONA Legal Counsels would submit citizenship applications to USCIS. The RFA is now updated to allow ONA Legal Counsels to either (1) provide each applicant with their own completed citizenship application after it has been reviewed by a qualified attorney or BIA accredited representative and instruct the applicant to mail the application to USCIS, or (2) inform the applicant that the ONA Legal Counsel will mail the citizenship application and provide the applicant with a full and accurate copy thereof.

Questions & Answers

The responses to questions included herein are the official responses by the State to questions submitted by potential applicants and are hereby incorporated into RFA # 12-ONA-08 issued on June 22, 2012. In the event of any conflict between the RFA and these responses, the requirements or information contained in these responses will prevail.

Applicants may also refer to the Office for New Americans Neighborhood-based Opportunity Centers Request for Applications #12-ONA-09 Question and Answers for additional guidance.

Q1: The purpose behind the experiential requirement for the ONA attorney is to better ensure that New Americans will receive competent representation. However, it may be difficult to find attorneys with the required level of experience (3 years total, 2 years immigration) willing to take a position with guaranteed funding of only one year. Can this requirement be waived if the grantee can demonstrate to ONA that they were unable to find an attorney with the required experience but have found a competent candidate? Any shortfall in experience of the ONA Legal Counsel can be compensated for by the experience of the grantee agency?

A1: *Each ONA Legal Counsel must meet the experience requirements described in the RFA.*

Q2: The RFA talks about one attorney. Does this mean literally one attorney, or one law office? For \$150,000, my office could hire 2 full time attorneys, who would be supervised by an attorney with 30+ years of immigration experience.

A2: *Each ONA Legal Counsel host organization should recruit, hire or repurpose, and support at least one immigration lawyer who meets the experience requirements for an ONA Legal Counsel and dedicates his/her full-time work to the Required Activities described in Part A of the RFA. A host organization may elect to support that ONA Legal Counsel through supervision by an experienced immigration attorney or hiring or repurposing an additional attorney to assist with the Required Activities described in Part A.*

Q3: Can more clarity be provided as to the number of days a citizenship drive should be for?

A3: ONA Opportunity Centers have discretion in terms of the duration of citizenship drives. We expect but do not require that most citizenship drives will last between three hours and one or more days, with an average citizenship drive lasting a single day.

Q4: Can ONA Legal Counsel return to the applicant the naturalization application after it has been reviewed, except for those applicants who will receive direct representation? The applicant should be responsible for mailing the application to USCIS, since there will be no attorney-client relationship after application review has been completed. If it is determined that ONA Legal Counsel should mail all reviewed applications, then Counsel should be required to provide a copy of the application and the appropriate cover letter, showing mailing to the USCIS, to the applicant.

A4: This question inspired a change in the RFA. ONA Legal Counsel should either (1) provide each applicant with their own completed citizenship application after it has been reviewed by a qualified attorney or BIA accredited representative and instruct the applicant to mail the application to the USCIS, or (2) inform the applicant that the ONA Legal Counsel will mail the citizenship application and provide the applicant with a full and accurate copy thereof.

Q5: On page 7 of the RFA, it states that "After ensuring appropriate legal review, the ONA Legal Counsel should submit citizenship applications to USCIS." Is the expectation really that the ONA Legal Counsel will be responsible for physically submitting all reviewed citizenship applications to USCIS? We believe that the client and/or the Neighborhood-based Opportunity Center should have the ability to submit the applications once they are reviewed. It is prohibitive for the Legal Counsel to have to take physical possession of all original application packages. Please clarify.

A5: This question inspired a change in the RFA. ONA Legal Counsel should either (1) provide each applicant with their own completed citizenship application after it has been reviewed by a qualified attorney or BIA accredited representative and instruct the applicant to mail the application to the USCIS, or (2) inform the applicant that the ONA Legal Counsel will mail the citizenship application and provide the applicant with a full and accurate copy thereof.

Q6: These (documentation requirements on pgs. 8 & 9 of the RFA) create potential confidentiality issues which, as the appropriate Service Description recognizes, Counsel is required to abide by. Can these forms be designed so that they do not reveal any confidential information? Note that confidential information includes the names of persons provided with consultations. Also note that the documentation requirements for naturalization applicants, found on page 6, merely require that a log be kept showing numbers.

A6: Upon contracting the Office for New Americans will ensure that reporting requirements allow for compliance with all relevant confidentiality and ethical rules.

Q7: Workshops/trainings for youth eligible for deferred action would be a beneficial activity. Can this be added?

A7: No. This is not an eligible activity under this RFA.

Q8: Use of other funding sources to support the required activities appears to conflict with p. 3, paragraph 4 #1 (funds awarded under this RFA may not be used to supplant other funds). Can this be clarified?

A8: Other funding should enhance funds received by the host organization to support implementation of the required activities. By contrast, funds awarded under this RFA may not be used to supplant other funds, meaning that these monies should not take the place of or replace other funds.

Q9: Can the bar on subcontracting be reconsidered? Given the geographic scope of each of the upstate regions, subcontracts with other eligible providers will enable the grantee to provide an optimal level of services. Local subcontractors will be more familiar with the funded Opportunity Center, and other community agencies, in their service area. Relationships between Opportunity Centers/community agencies and subcontracting Legal Counsel should be encouraged. Subcontractors will also be more familiar with their local populations of New Americans, who would benefit from establishing a relationship with a local provider. While the use of partnerships with other legal service agencies would appear to accomplish this same objective, most legal service agencies operate under severe funding constraints, and will be unable to take on a new initiative without some corresponding funding.

The RFA for ONA Opportunity Centers “strongly encourages” joint applications. RFA 12 ONA 09 p. 5 (V). If ONA chooses to retain the subcontracting bar, it should permit joint applications for ONA Legal Counsel applications. If ONA decides to eliminate the bar, ONA should retain the right to reject any proposed subcontract, where it appears that the subcontractee is not an eligible organization or has not demonstrated the organizational experience (see p. 13, Program Proposal (a)) to conduct the required activities.

A9: No. Organizations hosting ONA Legal Counsels under Part A of this RFA are not permitted to subcontract.

Q10: Would the ONA Legal Counsel be required to submit a G-28 Notice of Entry of Appearance for each case they assist?

A10: ONA Legal Counsels should follow appropriate rules and regulations with regard to appearance in immigration law cases. It is anticipated that each individual seeking advice through an immigration law consultation day will sign a form reflecting their understanding that they are not entering into an ongoing relationship with the ONA Legal Counsel or pro bono attorney assisting him/her at the legal consultation day but instead seeking advice through the legal consultation format.

Q11: For which cases would the Legal Counsel be required to provide full representation, or is this completely up to the Legal Counsel's discretion?

A11: The ONA Legal Counsel may provide full representation to clients in citizenship and deferred action matters. The type and number of these matters is in the discretion of the ONA

Legal Counsel, but we expect the ONA Legal Counsel to take on cases that present complex issues that cannot be dealt with through the legal consultation day model.

Q12: USCRI is a national organization based in Arlington, VA with 6 field offices, including one in Albany, New York. As such there is much technical expertise in the VA office. Are out of state training and travel costs eligible funding purposes under this RFA?

A12: *No.*

Q13: The RFP states that the project start date is October 1, 2012. When do you anticipate notifying applicants whether or not they have received an award? If we are expected to start delivering services on October 1, will award notifications go out sufficiently early for us to hire staff and otherwise ramp up operations? Alternatively, will there be a start-up period built into the contract beginning on October 1?

A13: *The Office for New Americans will announce grant awards as quickly as possible. It is anticipated that notification will occur in a timely manner and contract development will occur in a manner that provides for the October 1 start date.*

Q14: Can volunteers for the program receive stipends that are subsidized by another source of funding and given as an in-kind contribution to the program or must they be "pure" volunteers who receive no stipends for their services?

A14: *Volunteers may receive stipends from other sources of funding.*

Q15: After reading the RFA, it is unclear to me whether an organization or consortium of organizations are interested in applying for both Part A and Part B of the Request for Applications RFA #12-ONA-08 (Statewide Legal Technical Assistance Request to Support Immigrant Service Providers in New York State) needs to submit two applications (one application for Part A and one application for Part B) or one application (including Part A and Part B in one application).

A15: *Applicants applying for funding under both Part A and Part B of this RFA should submit two applications, one for Part A and the other for Part B.*