

Questions and Answers

RFP: Regional Immigration Assistance Centers

Date Posted: October 21, 2014

- (1) **Question:** May a county contract with more than one existing immigration provider in a particular region? The upstate regions are large in area and having more than one provider would help facilitate the provision of services to all the indigent legal service providers in the area.

Answer (revised October 21st): The purpose of the RFP is to “support the development of a network of Regional Immigration Assistance Centers,” with one Center per region and “[e]ach Center . . . expected to serve the providers within each county in its designated region,” and, critically, “that services provided by Centers be available to every indigent legal service provider within their region” (see pages 1, 2 and 5 of the RFP). A county may subcontract with one or more providers within a designated region in order to accomplish these objectives.

- (2) **Question:** If the answer to number 1 is yes, will it be required that the county in which each immigration provider is located be a formal partner in the grant?

Answer: No, counties may not submit joint proposals. However, proposals that “encourage collaboration among providers, other legal service providers, community-based organizations” and other entities, such as counties, are encouraged (see page 6 of the RFP).

- (3) **Question:** In some cases, providing accurate legal advice about the immigration consequences of a conviction will require determining what the actual status of the defendant is (i.e. U.S citizen by acquisition or derivation). May funds appropriated under this grant be used by immigration providers to both determine what the defendant’s status is and to file any necessary applications with USCIS to establish that status?

Answer (revised October 21st): Yes, funding may be used to assist providers of Indigent Legal Services to determine the defendant’s immigration status, including assisting providers with the filing of any necessary applications with USCIS, so long as these costs are “reasonable and necessary,” fit within the stated purposes of the RFP and are “consistent with the proposal action plan” (see pages 14 and 15 of the RFP).

- (4) **Question:** Under data collection (page 13 of the RFP), it is required that each funded program report on the use of a computerized data management system maintained by each indigent legal services providers which tracks client immigration status and advice provided, and on the current status of data collection capabilities. How will funded programs perform those obligations without violating the attorney-client privilege of the clients of the providers?

Answer: The RFP requests that the Centers work with the providers in their designated region to determine whether each identified provider has access to the use of a computerized case management system to track the immigration status of their clients. All other data relating to how providers track the immigration status of their clients is requested in quantitative form only (i.e., the number and percentage of noncitizen clients served by each provider, the number of clients, by county, served by the Center, the number of referrals received, etc.) (see pages 13 and 14 of the RFP).

- (5) **Question:** Will the Resource Centers be expected to provide assistance and support to attorneys assigned to children (i.e., often referred to as “attorneys for the children”) in Article 6 family court proceedings?

Answer: No, funding under this grant may only be used to provide support to “indigent legal service providers” (i.e., as defined on page 2 of the RFP) within their responsibilities of providing effective and meaningful representation of persons who are legally entitled to counsel but cannot afford to hire an attorney as authorized pursuant to New York County Law Article 18-B.

- (6) **Question:** Does ILS intend that staff hired under this grant are to be considered employees of the lead county or agency? Or will the lead agency have to subcontract with cooperating counties or agencies for project staff located outside of their jurisdiction?

Answer: Funding under this grant may be used to hire staff as employees of the award county or the county may subcontract for such services. Award counties may also enter into inter-governmental agreements to obtain such services. Applicants must complete Attachment A, Budget Form, with information about any proposed subcontracting or inter-governmental agreements (see page 21 of the RFP).

- (7) **Question #7:** Will training and support be provided by ILS to staff hired to operate the regional Immigration Assistance Centers and will these trainings and support be provided free of charge?

Answer: Funding from this RFP may be used to provide training to staff hired to operate regional Immigration Assistance Centers or to subcontractees, so long as costs for such training are “reasonable and necessary” and “consistent with the proposal action plan” (see pages 14 and 15 of the RFP).