

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
IMMIGRATION SERVICES UNIT
IMMIGRATION SERVICES FUNDING
REQUEST FOR APPLICATION
FREQUENTLY ASKED QUESTIONS
SEPTEMBER 2016**

FORMS AND INFORMATION

Q: Where can I find the application, attachments, and draft Standard Agreement to the Request for Application (RFA)?

A: The RFA, application, and attachments, including the draft Standard Agreement, can be found on the [Immigration Services](#) website under the [Immigration Services Funding](#) link in the center of the page.

GENERAL APPLICATION QUESTIONS

Q: What are the requirements for applicants?

A: Applicants must meet the statutory criteria in order to be considered for the respective service categories for which they are seeking funding. Please see page 11 of the RFA. It is also important to review all of the materials posted on the website for a comprehensive understanding of the application.

Q. Can a primary contractor subcontract services?

A: It depends on the services to be subcontracted. A subcontractor must be recognized and accredited by the Board of Immigration Appeals (BIA) under the U.S. Department of Justice's Executive Office for Immigration Review or have attorneys on staff to provide legal services. In all instances, the primary contractor must meet the statutory criteria for services awarded. See page 11 of the RFA for criteria. In addition, while a primary contractor may subcontract out services, the primary contractor remains fully responsible for the obligations that arise under the Standard Agreement and the work of the subcontractor. See Exhibit D of the Standard Agreement.

Q. What are the insurance requirements at the time of application?

A: Please review Exhibit E of the Standard Agreement for the insurance requirements and required Certificates of Insurance. Contractor must meet the requirements of Exhibit E prior to execution of the Standard Agreement. If the required insurances are not in place at this time, it is appropriate to research costs and availability of such policies prior to submitting an application for funding.

Q: What are the insurance requirements for subcontractors?

A: The Exhibit E insurance requirements must be met by the primary contractor and proof of insurance is required to be submitted to CDSS upon the primary contractor's submission of their signed agreement for final CDSS approval. The insurance requirements have been revised from the initial posting of Exhibit E and the current requirements are now posted on the CDSS Immigration Services website.

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Q: Can an applicant apply for multiple regions?

A: Yes. An applicant may apply to provide services for more than one region/county. Provide the regions to be served on page 3, Question 1, of the application. An applicant shall meet all of the minimum requirements set forth on page 11 of the RFA for each service category applied for.

Q: Is there a maximum funding amount an applicant can apply for?

A: There is no maximum amount an applicant can apply for. However, each applicant shall demonstrate in their application that they have the capacity and qualifications to provide the services for which they are applying. Applications shall also demonstrate the population need for the region in which they intend to serve.

Q: Is it allowable to count the clients served under a USCIS federal grant and also count the same clients for reimbursement through the CDSS funding?

A: Double counting is not allowable and cases counted under the CDSS funding must be unduplicated and uniquely counted. If a contractor receives general funding support from a funder other than CDSS to provide immigration legal services, including education and outreach and legal training and technical assistance, the contractor should identify the additional services (unique cases, outreach, or trainings) it will provide as a result of being awarded CDSS funding.

APPLICATION ASSISTANCE SERVICES

Q: Are DAPA Application Assistance services still being offered in light of the Supreme Court ruling in June 2016?

A: Yes. DAPA is still making its way through the courts, and contractors will continue to be able to provide simple case assistance (i.e., Freedom of Information Act requests) and assistance with other immigration remedies.

Q: For organizations seeking to subcontract application assistance services, are the subcontractors required to be BIA recognized and have accredited representatives or attorneys on staff at the time they apply for funding?

A: Yes. Subcontractors must be BIA recognized and have accredited representatives or attorneys on staff in order to provide application assistance services. If a subcontractor is ***not*** BIA recognized and have accredited representatives or attorneys on staff, the subcontractor ***cannot*** provide application assistance or legal services.

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Q: For organizations seeking to provide application assistance as BIA programs, are they required to be BIA recognized and have accredited representatives on staff at the time they apply for funding?

A: Yes. Applicants must have three (3) years of experience handling immigration cases and be recognized and accredited by the BIA under the U.S. Department of Justice's Executive Office for Immigration Review or meets the requirements to receive funding from the Trust Fund Program administered by the State Bar of California. In addition, please see page 11 of the RFA for the minimum statutory requirements for the application assistance service categories.

Q: For organizations seeking to provide application assistance, how does an organization establish that it has three (3) years of experience handling immigration cases?

A: This requirement pertains to the organization not to an individual staff member's years of experience handling immigration cases. As an organization, the applicant will need to establish that it has had licensed attorneys handling immigration cases or BIA recognition and accredited staff, for at least three (3) years. The staff must be employees of the organization and cannot be contractors.

Q: What do naturalization services include?

A: Naturalization is the manner in which a person not born in the United States voluntarily becomes a U.S. citizen and is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act (INA). Services under the naturalization service category include N-400 application assistance, related waivers, and appeals that might arise under the process. Derivative citizenship and acquired citizenship are not naturalization processes, thus, not included in the naturalization service category. Acquired citizenship cases may be funded as a service under the DACA or DAPA service categories as an "immigration remedy."

Q: What is an appropriate administrative fee for subcontractors?

A: The CDSS does not have any specific requirements relating to an administrative charged to a subcontractor by a primary contracts. The CDSS will evaluate the capacity of the primary to meet the proposed grant deliverables and will consider the terms of any subcontracting arrangement in that analysis.

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EDUCATION AND OUTREACH ACTIVITIES

Q. Can a primary contractor who applies for education and outreach services only, subcontract application assistance services to an organization that has an attorney or BIA accredited representative on staff?

A: No. The primary contractor must meet the statutory criteria for any and all services awarded. See page 11 of the RFA for criteria. In addition, while a primary contractor may subcontract out services, the primary contractor remains fully responsible for the obligations that arise under the Standard Agreement and the work of the subcontractor. See Exhibit D of the Standard Agreement.

Q: What is the purpose of the education and outreach service category?

A: The purpose of the education and outreach service category is to explain eligibility for deferred action, other immigration remedies, and citizenship; to promote the benefits of deferred action, other immigration remedies, citizenship; and to refer individuals to qualified service providers who can assist with applications for deferred action, other immigration remedies, and citizenship.

Q: What is not likely to get funded under education and outreach?

A: An application that is not descriptive in identifying and explaining an intentional, targeted, and meaningful approach to engaging eligible populations for the purposes set forth in #2 will not likely get funded. Examples of education and outreach activities that would not receive funding include, but are not limited to: an application that *only* uses a Twitter campaign which may leave out eligible populations and may not provide enough content to explain eligibility for DACA, naturalization, etc.; an application that is *only* proposing to use a referral line which may not adequately provide information about eligibility or connect with hard-to-reach communities; media buys; and/or a light-touch strategy that fails to “explain, promote and refer” is not likely to be funded (i.e., passing out fliers on the street or a fair is not enough). Applicants should be expected to have conversations with eligible individuals, explain and promote immigration benefits and connect potentially eligible individuals with qualified services. The given examples alone would not be enough, but they could form pieces of a comprehensive strategy.

Q: Is Attachment B required for applicants *only* seeking funding under the education and outreach service category?

A: No. Attachment B is not required if an applicant is only applying to provide education and outreach services.

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Q: Is an applicant required to have professional liability insurance if they are only applying for education and outreach services?

A: Professional liability insurance is not required if the applicant is only applying for education and outreach.

Q: Does education and outreach include English as a Second Language (ESL) courses and programs?

A: No. Education and outreach activities under this RFA refers to activities that are aimed at explaining and promoting deferred action, other immigration remedies, and citizenship, as well as providing referrals to individuals so that they can get application assistance from qualified nonprofits.

Q: How does CDSS plan to support contractors that are funded to conduct education and outreach activities for hard-to reach communities?

A: The CDSS understands that not all communities can be reached in the same way, which may require varying strategies and efforts. In the application for funding, applicants are encouraged to describe any barriers to connecting with hard-to reach communities. If awarded funding, contractors will be given the opportunity to explain challenges and address any needed changes in strategy.

Q: What are acceptable forms of documentation that would corroborate people reached through education and outreach activities?

A: Acceptable forms of supporting documentation for education and outreach activities and people reached can include, but are not limited to, event fliers, sign-in sheets, evaluations, referrals to application assistance providers, letters from host organizations confirming number of attendees, receipts for expenses related to reserving venues and travel costs, social media announcements, media reports, etc.

LEGAL TRAINING AND TECHNICAL ASSISTANCE

Q: Is BIA training and getting individuals BIA certified a fundable activity under this application?

A: Generally speaking, capacity building and technical assistance can be funded under the application.