

2018 DC Immigrant Justice Legal Services (IJLS) Grant Fund
Q&A

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I. TIMING

When are applications due?

Applications are due on Tuesday, August 29, 2017 at 5:00 p.m. EST.

When will grant winners be announced?

Award notifications will be released between the dates of September 18, 2017 and September 22, 2017.

When will grant-funded work begin?

Grant-funded work will begin as early as October 1, 2017.

When must the work be completed by?

Grant-funded work must finish by September 30, 2018.

II. FUNDING

Can I get the money upfront?

It may be possible, if EOM and the Office of the Chief Financial Officer (OCFO) agree that this is necessary and the organization is in good standing, that is, if it has not been notified that it is in a “high risk” status. We will likely approve no more than half of the grant funds as an upfront “advance” payment when the FY2018 work begins. The remaining 50% will likely be disbursed 30-40 business days after the Grantor receives complete and approved grant reports. A new grantee who has not previously received any funding from the District government will be requested to complete a W9 form and Supplier form. This will enter their information into the procurement database system.

If you require advanced payment, you must notify the Grantor as soon as possible after you are notified that you will be awarded a grant, and indicate the reason. You must also indicate a reasonable timeline for spending the IJLS grant funds. This timeline must be within the grant agreement date, and should specify the types of services that will be delivered. Again, we understand that many legal matters can take months, even years, to complete.

Once you have notified the Grantor, the Grantor will submit a memo that affirms this need (e.g. that you cannot begin providing services without upfront cash) and delineate a monitoring plan. When the memo is accepted by OCFO, you will receive an advanced payment.

Is this federal funding? Where is the money coming from?

The \$500,000 comes from local DC funds. These are not federal dollars, but dollars that we raised in the District. The money is being appropriated by the Council.

If something happens in Congress, is this funding subject to recapture?

At this point, we do not foresee Congress taking any action that would jeopardize DC local dollars being spent on IJLS activities. If anything changes, we will be sure to keep the DC community updated.

How much money is being distributed?

The Immigrant Justice Legal Services grant fund is a \$500,000 commitment from the Bowser Administration. Each grant will total no more than \$150,000. Foundations may add independent contributions that will increase the amount of money available. We anticipate making between 4 and 20 grants.

Can I file more than one application?

Each CBO can only serve as the lead agency for one application. A law firm or CBO can potentially partner on more than one application, though, using the process described below.

If a CBO or law firm wishes to support more than one application, this organization must complete the Partnership Certification. In doing this, the entity indicates its ability to staff *all* of the applications being supported, assuming that each application is funded at the maximum level. The Partnership Certification must be attached to each application submitted. Failure to do so could negatively affect application outcomes.

III. TARGET BENEFICIARIES

Who will benefit from the IJLS?

The IJLS will benefit immigrants of all ages – and national origins – who reside in DC, as well as

families of mixed status who have at least one family member here *and* immigrant business owners in DC. It will also benefit the District as a whole: when all our neighbors feel secure in their legal rights, we are all better off. More people will enjoy the security of citizenship and the benefits of working with green cards; businesses will be more successful and more taxes will be paid. People will feel secure in reporting crimes and getting out of dangerous situations of domestic violence.

Is this only for undocumented immigrants?

The IJLS is designed to benefit *all* DC immigrants, regardless of immigration status. The program funds services in eleven categories, including areas like filing citizenship applications, opening businesses with ITIN numbers and preparing asylum applications. It is a great and damaging myth that all immigrants are here illegally.

How many people will the \$500,000 grant reach?

We do not have a target number of beneficiaries, as the specific number will depend on what organizations apply – and what type of services they provide. But we *do* expect that a large percentage of the nearly 100,000 immigrants in DC will benefit, directly or indirectly, in the security that IJLS can provide. In turn, all DC residents will benefit.

What if my proposed project will serve both DC residents and non-DC residents?

If you are undertaking a project like a workshop or clinic that will serve both DC residents *and* non-DC residents, IJLS funds may only be used to support the work that serves DC residents. This means that you should establish a process for prorating any funding that is used to serve both populations, with IJLS dollars only covering the portion that specifically serves DC. Your documentation of these events need not include names, but should include city of residence.

IV. ELIGIBILITY

Who can apply?

IJLS is open to:

- Community-based 501(c)(3) organizations;
- Private entities that are partnering with 501 (c)(3) organization(s); or
- Private entities that are mobilizing pro bono talent.

Individuals are *not* eligible for this grant. This grant is for nonprofits, private entities and partnerships that will provide legal services to DC residents and their families. If you require individual services, we encourage you to contact the grant recipients that receive IJLS funding and can meet your needs.

Does my organization need to be headquartered in DC to apply? No. Nonprofits headquartered in other states may apply, but the work performed on this grant must benefit DC residents or their family members.

What sorts of projects are eligible?

The grant will fund a wide range of programs that promote immigrant justice. These programs are –

1. Help DC residents apply for green cards, convert green cards to citizenship, and make other affirmative USCIS filings;

2. Renew DACA (Deferred Action for Childhood Arrivals) applications and work permits for DC residents;
3. Conduct Know Your Rights briefings and workshops;
4. Help prepare asylum applications and provide legal representation at asylum interviews and/or hearings for DC residents; or, for clients in removal proceedings, prepare defensive asylum applications;
5. Represent youth who are in removal proceedings, but are not currently detained, provided representation began before the client turned 18;
6. Protect financial assets and custody for DC children in the face of potential deportation of parents or guardians;
7. Help people and businesses conduct affairs through ITIN numbers, appeal licensing board denials based on international qualifications, and access health insurance and other public benefits for which they are eligible;
8. File any lawsuits that may become necessary to challenging the use of DACA applications for finding or deporting undocumented persons;
9. Help file applications for S, T, U, Special Immigrant Juvenile visas and Violence Against Women Act (VAWA) petitions for DC residents or family members of DC residents; and
10. Provide legal help for family reunification efforts for families with at least one DC resident;
11. Help DC families adopt or provide foster homes for refugees and children from war-torn countries; and
12. Training and mentoring pro bono attorneys to perform any of the tasks 1-11.

Can grant funds be used to help immigrants with other important legal needs, such as relating to housing or schools or health care?

Grant funds are for the immigrant justice purposes listed above. If clients have other legal needs, please take care of those with other funds or direct them to other resources. Legal retainer agreements through this grant should be for one of the purposes identified above, although, again, your organizations may have other funds available to help clients with all their needs, including other legal needs. Also, while the grant can be used to fund some costs incidental to applying for legal relief, such as application fees or expert reports, IJLS funds cannot be used to fund English classes or test preparation, or citizenship classes.

Does the work have to be new? What if I want money to continue providing current services?

As long as your work falls into the listed IJLS categories, you are welcome to apply. The funds are meant to supplement, not supplant, current funding, however. If you have lost funding from other sources, these funds can be used to continue legal programming within the project areas specified in this RFA and your grant application. But do not use these funds to support the existing part of your work that supports DC residents, and shift your existing money and staff efforts to beneficiaries from outside DC. The grant fund aims to *add* support for DC families.

Is this program only for Latinos? Or only for Asian and Pacific Islanders?

No, the IJLS is for all DC immigrants, regardless of nationality. The program is for all immigrants, and their family members that they hope to reunite with, as well as DC families who seek to adopt or foster children from war-torn countries.

Are there any immigrants who will be ineligible for services – like criminals or people who have previously been deported?

The IJLS welcomes grant applications from nonprofits, private entities and partnerships across DC who have experience delivering legal and other services to DC and area immigrants. We trust their discretion and expertise in ensuring that grant dollars unify families, promote employment, build opportunity and help all DC immigrants aspire to the American Dream. We trust the organizations to screen prospective cases and to provide representation when the application is meritorious and has a good chance of succeeding. (“Good” does not necessarily mean a greater than 50% chance, but the aim of the program is to win more legal security for more DC residents.)

How does this program relate to other programs funded by the District government?

The District government has a large and ongoing program to provide legal services through the D.C. Bar Association. We also provide various kinds of support and outreach to the Bar Association’s pro bono program to help small businesses, such as by hosting legal clinics for entrepreneurs at various government locations. We have grant programs for immigrant services in non-legal areas and grant programs regarding domestic violence. So this program is of a piece with our inclusive values. Being a grantee through another program does not disqualify an organization from seeking a grant through IJLS. A record of strong performance on other District grants may contribute to a high score on an application for IJLS; conversely, if Community Affairs agency directors know that an organization has struggled or failed to meet its deliverables previously, this may hurt its application.

How does the program differ this year from the IJLS FY 2017 program? At the outset, in 2017, immigrants in proceedings were outside the scope of IJLS services. That was clarified with regard to youth, who by and large are immediately put into proceedings, so that now, during FY 17, if a grantee begins representation of a young person not in detention before he or she turns 18, that representation may continue. In 2017, only affirmative asylum applications were allowable under the grant, but for 2018, asylum may be raised either affirmatively, or by persons in proceedings as a defense. Finally, we clarified that the training of attorneys in immigration law, to fulfill the other purposes of the grant, is allowable, and indeed, it’s so important in building the capacity of the bar to serve DC residents’ immigration-related legal needs that it is recognized as its own category this year. Grant applicants may report as goals and deliverables such trainings so long as they are linked to the delivery of services to immigrants.

V. MECHANICS OF APPLICATION PROCESS

How do I apply?

Please follow the application process that is outlined in the RFA. You can find the RFA on the Mayor’s Office on Asian & Pacific Islander Affairs (<http://apia.dc.gov/>); the Mayor’s Office on Latino Affairs (www.ola.dc.gov); the Mayor’s Office on African Affairs (<http://oaa.dc.gov/>); the Office of Documents and Administrative Issuance (<http://os.dc.gov/>); and the District’s Grant Clearinghouse. If you haven’t done so already, start by creating a Zoom Grants account. It takes only minutes. You can begin work on your application and save sections before making your final submission.

How many grants will be awarded?

The Executive Office of the Mayor expects to award between 4 and 20 grants.

If I notice some discrepancies between the RFA and ZoomGrants, what should I go with?

All applicants are applying via ZoomGrants and should therefore go with the word count and other guidelines that are contained there.

Can I apply for more than one grant?

Each primary organization can only apply for and receive one grant, but law firms or lawyers offering pro bono services can be listed on more than one application if they have the capacity to serve multiple organizations; likewise, community based organizations may partner with lead legal organizations by referring constituents to different grant applicants as appropriate, by hosting events with multiple potential grant award winners, or through other collaborations. Under no circumstances should an applicant list as a partner an organization without that organization's knowledge and consent. That's why we ask for certificates of partnership. If further funding becomes available, the Executive Office of the Mayor will notify potential applicants through the usual channels.

What happens to cases or applications when the grant money runs out?

Consistent with the norms of legal ethics, grant recipients must complete all cases or applications that they undertake. This commitment is a condition for receiving the grant.

If we won a grant in FY 17, may we apply for a grant in FY 18?

Yes. You should propose new work, though, even if work continues on cases opened in FY 17. You are under a continuing obligation to see FY 17 cases through. However, we would appreciate knowing of any results from FY 17 cases, even if those results happen in FY 18.

Is the grant application capped in its request as to the percent of an organization's budget that's allowable? No. Scorers and grant reviewers will assess your capacity to carry out the work, and to follow through with cases you undertake, but there is no cap.

Are grantees limited as to the percentage of allowable overhead? No. The scorers and grant reviewers are hoping to see good value in terms of results from the dollars awarded. There's no cap on overhead. It may count in your favor if you are able to leverage your grant dollars with lots of volunteer services from pro bono attorneys, but if you can do the work proposed with your own lawyers and paralegals, that's fine too.

Do we need to submit letters of support? No. We'd like to see evidence that collaborations are genuine through partnership certificates. Those can speak to the durability and history of the relationship, or the results you've achieved working together in the past, but letters of support are not required.

Who will be judging these applications?

The IJLS grant program has a three-step process.

- First, applications will be reviewed by an external panel that is comprised of qualified individuals who have experience in legal services, grant administration, project management, criminal justice, immigration and education.
- Second, applications will be reviewed by an internal panel that is comprised of the Directors of the Mayor's Office on Asian & Pacific Islander Affairs, the Mayor's Office on Latino Affairs and the Mayor's Office on African Affairs.

- Third, the Mayor’s Grant Advisory Review Board – which is comprised of the Mayor’s General Counsel, the Director of the Mayor’s Office on Community Affairs and the Director of the Office of Partnerships and Grant Services (OPGS) – will make the final funding decision.

How will the applications be judged? What makes a good application?

The RFA contains a detailed description of how applications will be judged. First of all, the application must be complete, and it should be clear and well-written.

In short, the main factors are:

- The soundness of the proposal;
- The program goals, objectives and services, including whether the program is using effective strategies;
- The clarity and concision of the writing;
- Intention to leverage partner organizations (CBOs or law firms) when completing the project;
- Program evaluation, including whether there is a clear process to measure/evaluate the program;
- The organization’s capability and relevant experience; and
- Demonstration of sound fiscal management and a realistic budget.

In addition, the Mayor’s team will ensure that, taken as a whole, the wide-ranging goals of the grant are being met through the awardees’ proposals, and that a wide range of immigrants from various backgrounds will receive legal services through the IJLS program.

What if I have trouble with Zoom Grants?

We HIGHLY encourage that all applicants log onto Zoom Grants early and familiarize themselves with the process. We will not accept applications that are submitted after 5pm on Tuesday, August 29. If you need help using Zoom Grants, please use the resources that are listed in the RFA. If these are not sufficient to address your needs, you may contact Dory Peters at dory.peters@dc.gov or Thea Sebastian at thea.sebastian@dc.gov.

What if I apply for a particular amount of money and am awarded a grant, but for a lesser amount of money and cannot do my program at that lesser amount?

Be sure to indicate on your budget or in your proposal what each item is expected to cost. If you are awarded a lesser amount than you requested, then the grant agreement will likely reflect fewer deliverables. You will agree to any adjustments in a grant agreement and have the option to turn down any grant award, such as because you feel you cannot perform the deliverables for a reduced amount than the amount you proposed. Grant reviewers will understand that there may be thresholds that cannot be adjusted, as, for instance, if you need to hire someone full time.

VI. MALPRACTICE INSURANCE

I am a pro bono attorney who wants to do immigration work, but I do not have malpractice insurance that covers this. What can I do?

If you are working at a law firm, ask if your firm will provide you with coverage. If you are a solo practitioner, or your firm will not cover this, some nonprofits offer malpractice insurance for attorney volunteers. For example, the DC Bar clinics provide coverage for participating attorneys.

I am a CBO that wants to use pro bono attorneys, but I do not have a malpractice policy to cover this. How can the IJLS help?

In your IJLS application, you may include a budget line for malpractice coverage. This means that you can set aside dollars to address this need.

VII. PARTNERSHIPS

Do I *have* to form a partnership if I want to apply?

No, being involved in a partnership is not a grant requirement. However, partnerships between law firms or legal service organizations and nonprofit organizations are highly encouraged. We therefore hope that you will consider joining forces with other organizations or firms, allowing you to expand your impact.

Can a 501(c)(3) – which provides free legal services – apply along with a for-profit law firm where the law firm would receive reduced “low-bono” compensation for its work?

Yes, a nonprofit organization can apply with a for-profit firm that will provide low-bono services. The nonprofit should record this arrangement as a pro bono contribution (e.g. 80% pro bono) while also budgeting whatever cash outlay the consulting fee (e.g. the remaining 20%) will be.

I like the idea of a partnership, but do not know exactly what this means. Can you give me some ideas?

Partnerships can create value for all parties involved – law firms, CBOs and individual attorneys. When considering a partnership, you should consider what each player could provide and how much money each partner would receive under the grant. For example, if you are a CBO that has great relationships with the community but no attorneys, you may partner with a law firm that can provide legal assistance to your community members. In FY 17, IJLS funded the legal side of a couple of medical-legal partnerships. The CBO may use IJLS grant funds for clients’ application fees, transcripts, experts, and other costs of filing the various applications and paperwork involved in immigration justice; in doing so, you make it easier for law firms or individual lawyers to provide the pro bono or low bono legal services.

If you are a law firm that has attorneys who wish to help, but little expertise in immigration law, you may need to partner with a nonprofit organization with legal expertise, so that they can train and oversee your attorneys in this work. Immigration law is a tricky area of law and mistakes can have drastic and devastating consequences. Demonstrating that at least one member of the partnership has specialized expertise in immigration law is crucial.

Whatever the case, remember that you can use IJLS funds to provide services that support such partnerships. For example, if you are a nonprofit that wants to use outside attorneys but lacks the infrastructure, you can use IJLS funds to hire someone to oversee pro bono talent.

Do we have to list the names of our pro bono counsel on our staffing plans?

Not necessarily. If you have a relationship with a law firm that pledges to you to provide legal services, you can list the name of the firm. The more specificity, the better, with regard to the strength and specificity of the commitments made in your partnerships, or the history of your relationship with that firm.

VIII. PRIVACY

Will applicants need to provide information about particular clients to the District government?

No. Attorney-client information must be safeguarded. For grant monitoring purposes, we just want to be sure you have a solid case tracking system and we will want to know about results. For example, how many people were trained; how many applications were filed, and when the time comes, how many applications were granted.

Will winning grant applications be public?

Yes, all the winners will be announced, as well as the amount of grants. In keeping with principles of open government, winning applications may be made public, redacted consistent with the Freedom of Information Act.

IX. LEGAL COMPLIANCE

I heard that Congress believes that using government funds for defense of deportation is illegal. Will that affect the awards?

EOM will follow the law. Note that a letter was sent inquiring about this grant program; Congress as a whole has not asserted that this program, using local funds, is potentially in violation of any law.

Can applicant agencies employ persons without documentation?

No. Applicants should follow all laws.

IX. MONITORING

How will you monitor these grants?

Monitoring will be conducted through the reports that winners submit, site visits, requests for information, receipts from their expenses, and notifications that winners send us about any legal updates like grants of asylum, visas, or citizenship. Keep careful track of how many people you serve and where your cases are in process.

Please consider carefully how you can protect client confidentiality but still be able to document to us that these grant funds are serving DC residents, their family members or prospective foster children and adoptees, and businesses. That is, if your program overall serves people from the whole metropolitan region, consider how you will demonstrate satisfactorily to us that these funds add to the support you provide to DC residents specifically. Cases funded through this grant may only benefit DC residents, businesses or DC residents' family members (as in the case of visa applications to reunite a family, part of which is in DC). However, if you are conducting an open forum, like a Know Your Rights Training, using these grant dollars, it is fine if people from Maryland or Virginia or elsewhere attend, too, along with the targeted DC residents. When we ask to see a sign in sheet to verify attendance, we will be interested in how many attendees had a DC zip code.

What are the reporting requirements?

All grantees will submit 2 reports – an interim report and a final report when programming is complete.

X. REPROGRAMMINGS

What if it is impossible to carry out the program we propose, due to policy changes at the federal level?

If that happens, notify the Grantor via email and propose how you will redirect your efforts within one or more of the other specified program areas. With the Grantor's approval, you can shift your focus *if* fulfilling your grant agreement has become impossible due to events beyond your control.