



Wisconsin Trust Account Foundation, Inc.

AFGHAN IMMIGRATION-RELATED LEGAL ASSISTANCE GRANT PROGRAM DESCRIPTION

May 25, 2022

INTRODUCTION

The Wisconsin Trust Account Foundation, Inc. (WisTAF) is pleased to announce that it will begin seeking applications for grant proposals **to provide immigration-related legal assistance to eligible Afghan populations** as delineated in the U.S. Dept. of Health and Human Services Office of Refugee Resettlement (ORR) Policy Letter (PL) [22-10](#), *Afghan Populations Eligible for ASA-Funded ORR Services*, and PL [22-11](#), *Immigration-Related Legal Assistance Allowable Under ORR ASA Funding*, initially published on March 3, 2022 and revised on May 6, 2021.

Estimated release of application materials: May 26, 2022

Deadline to apply: June 16, 2022

BACKGROUND & FUNDING INFORMATION

In September 2021, Congress, through the Afghanistan Supplemental Appropriations Act, 2022 (“ASA”), authorized the U.S. Dept. of Health and Human Services Office of Refugee Resettlement (ORR) to provide resettlement assistance and other benefits available to refugees to specific Afghan populations, in response to their emergency evacuation and resettlement. In March, the Wisconsin Dept. of Children and Families Bureau of Refugee Programs (DCF-BRP) was granted \$749,060 in additional federal funds, to serve an estimated 863 Afghan nationals that classify for this program in the state. DCF-BRP has selected WisTAF to administer this funding.

The term “refugee” as used in this document includes individuals owning any of the eligible immigrant statuses as delineated in ORR Policy Letter (PL) [22-10](#), *Afghan Populations Eligible for ASA-Funded ORR Services* and described in the *Client Eligibility* section of this document.

Federal awarding agency name: U.S. Department of Health and Human Services – Administration for Children & Families - Office of Refugee Resettlement

Assistance Listing # (CFDA): 93.566

AWARD INFORMATION

WisTAF will make grant awards totaling approximately \$674,150, to be paid to selected grantees on a reimbursement basis. We anticipate the contract term to be April 1, 2022 through March 31, 2024. All grants approved by the WisTAF Board of Directors will be provisional pending execution of a contract between WisTAF and the Wisconsin Dept. of Children and Families. WisTAF has full discretion to award or hold funding to distribute later for any reason, including an assessment of the ability of the applicants to meet the articulated requirements below.

Notice of this funding opportunity will be posted on the WisTAF website and will be distributed via email to current WisTAF grantees as well as other organizations identified as having potential capacity to use the funds in serving eligible clients.

GUIDELINES

WisTAF is seeking grant proposals **to provide immigration-related legal assistance** to provide benefits and services to the citizens or nationals of Afghanistan delineated in ORR Policy Letter (PL) 22-10, *Afghan Populations Eligible for ASA-Funded ORR Services*. The Grants/Evaluation Committee will consider proposals to provide immigration-related legal assistance to eligible Afghans for the specific allowable expenses as identified in ORR PL [22-11, Immigration-Related Legal Assistance Allowable Under ORR ASA Funding](#), initially published on March 3, 2022 and revised on May 6, 2022. Proposed project strategies may consist of a broad range of legal services including assistance completing immigration forms, legal orientation, counseling, advice, representation and legal education programs including seminars, trainings or workshops. Proposals should reflect expertise/experience in immigration-related law and services, an understanding of the current needs and challenges within the Afghan community to be served, and knowledge of successful models for meeting those needs. Applicants should identify established and/or planned partnerships that are necessary to achieve the stated goals of their grant proposals.

Applicants have some flexibility in proposing to offer the services using current models, or to explore new opportunities including partnerships, pro bono or low bono services, etc. to respond to the demand for immigration-related legal services from the eligible Afghan community. In any case, proposals should understand the sense of urgency in the provision of the immigration-related services, considering that some deadlines related to immigration status are set to expire in the coming months/years for many individuals eligible to be served with this funding.

APPLICANT ELIGIBILITY

WisTAF is conducting an open application process. Current or past WisTAF funding is not a prerequisite for receiving a grant award. However, we permit and encourage collaboration among strategic partners (civil legal aid organizations, resettlement agencies, pro bono or low bono lawyers, community organizations, law school clinics, other nonprofits) to provide the legal services needed under this grant. For the purpose of this grant, an eligible entity is defined as an organization that has the capacity to provide immigration legal representation through an immigration attorney and/or DOJ accredited representative.

We will consider proposals related to providing services on either a statewide basis (in all/some of the counties where the eligible Afghan populations are located) or at the local level (within one county).

APPLICATION EVALUATION & FUNDING CRITERIA

WisTAF reserves the right to evaluate applicants and award funds in a manner utilizing criteria selected at WisTAF's discretion and in the best interest of meeting the objectives of the funding involved. The evaluation will be conducted by the following method: WisTAF will initially evaluate all applications to determine whether the applicant is an eligible entity; whether the applicant proposes to offer services which address the articulated needs of the target Afghan client populations; and whether the applicant poses risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward, such that WisTAF should not award funding. WisTAF will conduct a fair, impartial, and comprehensive evaluation of all submitted applications.

WisTAF will give special consideration to proposals which:

- Demonstrate organizational excellence.

WisTAF will consider:

- the expertise and experience of the applicant in immigration-related services and/or immigration law;
- track record of successful execution of similar projects;
- the stability of the organization infrastructure as will impact its ability, as necessary, to hire, retrain, supervise attorneys, paralegals and other legal assistants;
- applicant's demonstrated understanding of federal funding compliance requirements and ability to implement appropriate tools/processes required to effectively administer the grant (ex. budgeting, financial management/accounting and audit systems, reporting scope and frequency)

- Offer creative and innovative approaches for providing the immigration-related services needed by the target Afghan client population;
- Identify opportunities for collaboration among strategic partners (civil legal aid organizations, resettlement agencies, pro bono or low bono lawyers, community organizations, law schools, other nonprofits) to provide immigration-related legal services that could best serve the target Afghan client population;
- Effectively describe anticipated service outcomes. WisTAF will consider the anticipated outcomes of the services, including the anticipated number of people that will be served.

In addition, all funding decisions will be guided by WisTAF’s mission:

The Wisconsin Trust Account Foundation Inc. (WisTAF) works with civil legal aid organizations in Wisconsin to increase access to justice. We oversee funds and invest in services and projects to help people resolve legal problems.

CLIENT ELIGIBILITY

This funding is to be used for Office of Refugee Resettlement (“ORR”) eligible Afghan populations only. The following Afghan populations are eligible for traditional ORR benefits and services and ASA-funded benefits and services, for the timeframe indicated:

1. Citizens or nationals of Afghanistan (including unaccompanied minors) paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act between July 31, 2021 and September 30, 2022. (Also known as “Afghan Humanitarian Parolees”) This group is eligible for benefits and services from their eligibility date until March 31, 2023, or until the end of the individual’s parole term, whichever is later, unless otherwise amended by law or the individual gains another ORR-eligible category or status.
2. A spouse or child of any individual described above in number 1, who is paroled into the United States after September 30, 2022. This group is eligible for benefits and services from their eligibility date until March 31, 2023, or the end of the individual’s parole term, whichever is later, unless otherwise amended by law or the individual gains another ORR-eligible category or status.
3. A parent or legal guardian of any individual described above in number 1, who is determined to be an unaccompanied child as defined by 6 U.S.C. § 279(g)(2), who is paroled into the United States after September 30, 2022. This group is eligible for benefits and services from their eligibility date until March 31, 2023, or the end of the individual’s parole term, whichever is later, unless otherwise amended by law or the individual gains another ORR-eligible category or status.
4. Citizens and nationals of Afghanistan for whom refugee and entrant assistance activities are authorized (e.g., Special Immigrant Visa holders, Special Immigrants with Conditional Permanent Resident status, SI/SQ parolees, refugees, asylees), whose eligibility date is on or after July 31, 2021. This group is eligible for benefits and services for the traditional ORR eligibility timeframe defined under 45 CFR part 400.

In addition to Afghan refugees, asylees, and Special Immigrant Visa holders delineated in the original ORR PL 16-01 above, the following list contains new categories of ORR-eligible Afghan populations.

1. Afghan individuals with SI/SQ Parole
2. Afghan individuals with Special Immigrant (SI) Conditional Permanent Residence
3. Afghan humanitarian parolees (AHP) admitted to the United States on or after July 31, 2021, due to urgent humanitarian reasons or significant public benefit.

Note: The eligibility date of ASA-eligible populations is October 1, 2021 (if the individual has already entered the community between July 31, 2021 and September 30, 2021), or their date of entry into the community (for example, the date on which an Afghan parolee departs an Operation Allies Refuge/Operation Allies Welcome (OAR/OAW) Safe Haven), whichever is later.

ALLOWABLE EXPENSES

ORR authorizes states and grantees to provide immigration-related legal assistance, as identified below.

A. General Description of Immigration-Related Legal Assistance

ORR authorizes the following types of immigration-related legal assistance:

1. Providing eligible populations with basic legal orientation on immigration statuses and immigration protections under the law.
2. Conducting seminars, trainings, or workshops on relevant immigration-related legal assistance topics to eligible clients and/or eligible pro se applicants.¹
3. Consulting with a client to determine immigration-related legal assistance needs.
4. Interviewing the client to obtain relevant information.
5. Assisting in the replacement of lost or damaged immigration documents and/or assisting with the correction of incorrect immigration documents.
6. Providing interpretation services to engage the client's support in filling out relevant immigration forms.
7. Translating relevant documents into client's preferred language to provide the client with greater understanding of the forms and the U.S. immigration system.
8. Explaining relevant forms to the client.
9. Physically filling out relevant forms.
10. Retrieving supporting documentation for relevant forms.
11. Providing guidance on fee waivers.
12. Assisting in the logistics of securing fees for forms.
13. Representing the client in an affirmative² asylum interview or other mandatory in-person immigration-related legal assistance appointment.
14. Responding to immigration-related inquiries from the U.S. Department of State Bureau of Population, Refugees, and Migration.
15. Responding to U.S. Citizenship and Immigration Services (USCIS) inquiries, including requests for evidence or notices of intent to deny.

B. Immigration-Related Forms

In addition to the allowable activities defined above, ORR authorizes the use of ASA funds for the drafting and filing of the following immigration-related forms:

1. Form I-589, *Application for Asylum and for Withholding of Removal* for affirmative asylum applications
2. Form I-821, *Application for Temporary Protected Status (TPS)*³
3. Form I-130, *Petition for Alien Relative*⁴ (if filing for a spouse, the marriage must have occurred on or before July 30, 2021).

¹ Added on May 6, 2022 by PL-22-11: Other ORR-eligible individuals may attend these seminars, trainings, or workshops, as long as states and grantees can meet the following two conditions: (1) ensure that the primary audience are ASA-eligible individuals, and (2) reasonably allocate the costs of their participation to another funding stream (e.g., non-ASA RSS funding). For more information regarding cost allocations, see 45 C.F.R. § 75.405(d).

² The affirmative asylum process is reserved for asylum seekers who are not in removal proceedings with the Executive Office of Immigration Review (EOIR). Asylum seekers who are in removal proceedings under EOIR may only seek asylum through the defensive asylum process.

³ Added on May 6, 2022 by PL-22-11: If an ASA-eligible individual applies for and obtains TPS, the individual will remain eligible for ASA and ORR benefits and services until March 31, 2023 or the end of the individual's parole term, whichever is later, due to their underlying ASA-eligible immigration category or status as outlined in ORR PL 22-02. Note, however, that Afghans with only TPS and no underlying ORR-eligible immigration category or status as outlined in ORR PL 22-02 are not eligible for ASA or ORR benefits and services.

⁴ Added on May 6, 2022 by PL-22-11: Only U.S. citizens (USCs) or legal permanent residents (LPRs) may file a Form I-130. Therefore, ASA funds for immigration-related legal assistance should only be used to assist ASA-eligible individuals who are LPRs (e.g., SIVs, and refugees, asylees, SI CPRs and SI/SQ parolees who become LPRs) and are applying for a spouse or an unmarried child under 21 years of age. For more details regarding who is eligible, see ORR PL 22-10 number 4.

4. Form I-730, *Refugee/Asylee Relative Petition*⁵
5. Form I-485, *Application to Register Permanent Residence or Adjust Status*
6. Form I-751, *Petition to Remove Conditions on Residence*
7. Special Immigrant Visa applications (e.g., Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*)⁶
8. Form I-131, *Application for Travel Document*
 - a. Humanitarian Parole applications for immediate family members of ASA-eligible populations⁷ remaining in Afghanistan or other countries outside of the United States
9. Advance parole travel documents for ASA-eligible populations needing to travel prior to obtaining status
10. Appeals with the USCIS Administrative Appeals Office (e.g., Form I-290B, *Notice of Appeal or Motion*)
11. Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*
12. Form I-765, *Application for Employment Authorization*
13. Affidavit of Relationship⁸

C. URM-Specific Immigration-Related Legal Assistance

In addition to the allowable activities defined in sections A and B., ORR authorizes the drafting and filing of the following immigration-related documents and representation in the related hearings for URM children and youth:

1. Special Immigrant Juvenile predicate orders
2. Form I-360, *Petition for Amerasian, Widow(er) or Special Immigrant*

Other Allowable Activities to Facilitate Client Access to Immigration-Related Legal Assistance Under ASA-Funded Grants

A. Transportation/Lodging

ORR authorizes states and grantees to provide transportation and/or lodging, in support of immigration-related legal assistance, when necessary to ensure that a client is able to attend their affirmative asylum interview or other mandatory appointment with USCIS. States and grantees should first see if a virtual appointment can be secured for the client. States and grantees must also consider the totality of the circumstances before spending ASA funding on transportation and/or lodging, ensuring that all other local, state, and federal financial resources are used, and that employment income from a client is considered.

B. Immigration Fees

ORR authorizes states and grantees to pay an eligible client's fees for any or all forms listed in B. as applicable, if the state or grantee documents the following four items, which may be reviewed during ORR monitoring:

1. Within the case file, evidence that a fee waiver request was submitted to USCIS and subsequently denied,
2. Within the case file, justification of the expense on the basis of the client's demonstrated inability to pay,
3. A plan showing the manner the state or grantee equitably assesses client need for coverage of fees for the forms listed in II.B, *and*
4. An explanation of how the state or grantee's use of funding in this manner will further the approved goals of the program (e.g., ASA RSS, ASA PC, etc.).

⁵ Form added on May 6, 2022 by PL-22-11.

⁶ Added on May 6, 2022 by PL-22-11: ORR authorizes the use of ASA funds to cover the Form I-360 and the underlying predicate order, including representation in the related hearings, needed to petition for a Special Immigrant Juvenile classification for unaccompanied Afghan minors (UAMs) who are in the URM Program or UAMs who have been released into the community.

⁷ Revised on May 6, 2022 by PL-22-11, from "ORR-eligible" to "ASA-eligible"

⁸ Form added on May 6, 2022 by PL-22-11.

Note: Uniform Guidance, [2 CFR 200, Subpart E - Cost Principles](#) applies to this program. Up to 10% (ten percent) of the grant reimbursed may be requested as administrative expenses.

UNALLOWABLE EXPENSES

Examples of immigration-related legal assistance activities that states and grantees cannot use ASA-funded ORR grants to provide include, but are not limited to:

1. Duplicative immigration assistance that USCIS provides⁹ in a given state/locality.
2. Duplicative immigration-related legal assistance provided to an individual by another federally funded program or any other entity.

Grantees will ensure that individuals receiving services through this program are Afghan populations who are eligible for services, as delineated in ORR Policy Letter 22-10.

REPORTING AND DOCUMENTATION REQUIREMENTS

Grant recipients must have the ability and will be required to collect and submit data on services provided, usage of grant funds, outcomes achieved (to the extent possible), client demographics, and other information relevant to the programs funded under this grant, as requested. This will include individual client-level data (per federal/state funding requirements). WisTAF will provide grantee organizations with a “client consent for release of information to a third party” document for this purpose.

Grantees must submit reports to WisTAF that include detailed qualitative and quantitative data on the types and numbers of services provided. Grantees shall provide WisTAF with all information necessary to comply with all requirements of the uses of ASA funds, as well as the information DCF deems necessary to accomplish any programmatic planning and oversight reporting, public transparency reporting, and subrecipient monitoring. The type of data Grantees will be required to provide WisTAF and the anticipated scheduled for reporting such data are:

- Programmatic Planning and Oversight Reporting: Semi-annual, including data on the number of individuals served, type of immigration-related legal assistance provided, number of immigration-related forms filed, and, to the extent possible, case outcome. Additionally, reporting will include the following data: client alien number, date of birth, immigration status, sex, nationality, zip code, city of residence, eligibility date, immigration status, date of migration (if applicable), Refugee Social Services (RSS) enrollment date, and RSS exit date.

Grantees must submit a final report to WisTAF within three (3) months after spending the full amount of the grant.

In the provision of services under the ORR program, grantees must maintain documentation that verifies service provision, participant eligibility, and compliance with all program requirements. All individual served in a family must have clear documentation of the services provided to them and be reported on all required reports.

ANTICIPATED GRANT PROGRAM APPLICATION/AWARD TIMELINE

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| May 26 | Release grant materials to prospective applicants |
| June 16 | Application submission deadline |
| June 30 | Ad-hoc G/E Committee meeting – Grant application review and funding recommendation |
| July 7 | WisTAF Board of Directors grant recommendation approval |
| July 11 | Notification of grant awards |
| July 18 | Executed grant conditions agreements due |

⁹ Added May 6, 2022: If USCIS provides immigration-related legal assistance in a state/locality, but the assistance is insufficient to meet the need, ORR ASA-funded grantees can provide immigration-related legal assistance to meet the outstanding need.

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| Aug. 15 | Submission of initial reimbursement requests, retroactive to April 1, 2022 |
| Sept. 1 | Initial grant reimbursements paid |

Note: Allowable grant expenses will be submitted, verified, and reimbursed on a monthly basis.

APPLICABLE LAW

Because the funds to support the activities under this grant program involve federal funds, usage of these funds is subject to federal law, in addition to any applicable state law. The Uniform Grant Guidance, 2 CFR §§ 200 et seq. (“UGG”) applies to Subawards funded from the United States Department of Agriculture (USDA), the Department of Housing and Urban Development (HUD), the Department of Labor (DOL), the Environmental Protection Agency (EPA) or other federal agencies. The United States Department of Health and Human Services (HHS) has adopted the UGG, but has implemented and re-codified it at 45 CFR §§ 75 et seq. (“HHS GG”); for awards funded by HHS, those regulations apply. 2 CFR 200, Subpart E - Cost Principles applies to this program.