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Philanthropy and Immigration Enforcement: The Role of Grantmaking on Nonprofit Influence During Secure Communities

By: M. Apolonia Calderon

January 31, 2018

“Our foundations support diverse issues, strategies, and communities across the country, but we are united in the belief that immigrants and refugees are integral to every aspect of our society...Without the contributions of immigrants and refugees now and throughout our history, our collective wellbeing and economic vitality would be greatly diminished.”

- *Joint Foundation Statement on Immigration, 2017*

Almost a year ago, the Grantmakers Concerned with Immigrants and Refugees spearheaded a collaborative effort for 200 U.S. foundations to issue a statement in support for millions of immigrants and refugees living in United States. In the joint statement, the foundations recognized their commitment to "creating healthy communities, promoting diversity and inclusion, building a vibrant democracy, and advancing equity and equality for all people, regardless of gender, race, religion, sexual orientation, gender expression, immigration status, and national origin."¹ As overt discriminatory nationalism increases, the statements significance demonstrated that foundations are working to create pipelines for grants in support of the highly marginalized immigrant community across the nation.

Uniquely positioned in our American democracy, foundations hold private resources they leveraged to promote their private values within our public arena². The independence of foundations, primarily private and family foundations, allows them to exert influence over public policy down to the local delivery of public good and services. Examples of their influence abound across multiple policy areas particularly in education and health³. Yet, an understudied policy area pertains to understanding how philanthropic funding impacts immigration policy and local enforcement⁴.

Most research on the foundations focus on understanding the foundations' role in reforming public policy. In their position as actors outside of the public and private spheres, foundations can initiate social change by helping fund nonprofits' programs and services through patterns of expressive and strategic giving that alter more than policy reform, but help change policy outcomes⁵. This report focuses on studying how philanthropic funding for immigration services is associated with helping reduce immigration policy outcomes during Secure Communities.

Immigration Enforcement: Secure Communities

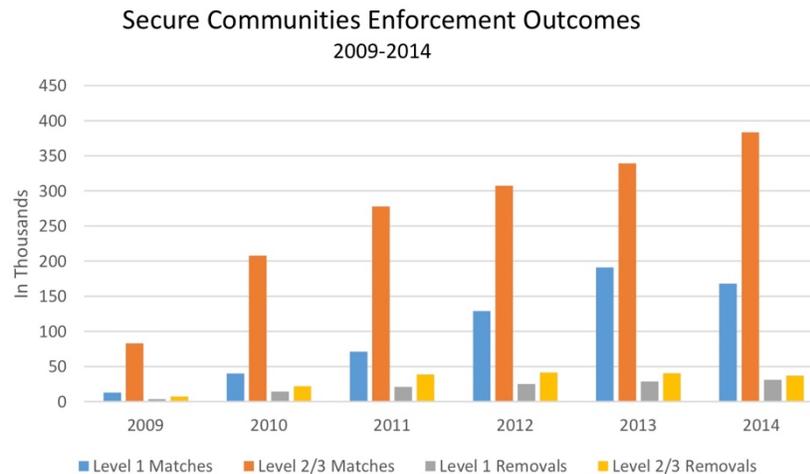


Figure 1: Secure Communities Priority Level Outcomes, Source: December 2014 IDENT/IAFIS Interoperability Report

The goal of national immigration policy is “to identify, arrest, and remove aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts⁶.” As a way to achieve this goal, the United States implemented the Secure Communities program from 2009 to 2014. As one of the major interior immigration enforcement programs, Secure Communities functioned as a leveraging tool that created a partnership between U. S. Immigration and Customs Enforcement (ICE) agency and local law enforcement agencies. sComm's required initiation began in 2009 with staggered county-level activations until it reached national implementation in 2013. The partnership shared fingerprint background checks with ICE to help identify immigrants eligible for removal based off of three levels of removal priorities. Priorities were set according to the threat level posed by the criminal background. The highest priority level, level 1 immigrants, were immigrants with a criminal record containing felony convictions. Level 2 and 3 immigrants had a criminal record containing civil or misdemeanor convictions. Immigrants “matched” indicated that they were eligible for deportation and could be held for transfer to ICE custody if a detainer was issued for them.

Through the tenure of Secure Communities, deportations skyrocketed with more than a million removals resulting in a 400% increase since 1996⁷. A majority of deportations have constituted individuals whose “threat” to public safety was a traffic violation⁸. In its early stages with only 17% of the U.S. counties activated, 85% of the matches were all low priority immigrants⁹. In 2013 alone, when most of U.S. counties were activated, about 80% of all deportations "did not fit ICE's own definition of what constitutes a "Level 1" priority¹⁰. The policy outcomes resulted in the identification and removal of immigrants who pose no real threat to the community.

Increasing the number of deportations meant that Secure Communities was effectively expanding their ability to reach immigrants in the interior of the U.S. Coming into contact with local law enforcement agents now exposed immigrants to the possibility of deportation. As

immigrants feared coming into contact with local law enforcement, Secure Communities undermined its goal of creating communities as immigrants felt unsafe in reporting crimes¹¹.

ICE’s widening reach into the interior has allowed for new methods for advocating on behalf of immigrant communities. Thereby illustrating an important research gap pertaining to how nonprofits help reduce local immigration enforcement by working to integrate and advocate for the immigrant community.

Foundations and Immigration-Related Giving

As foundations leverage their private resources to help fund nonprofits that promote their private values, immigration-related giving was not a hot-button issue for the philanthropic community as it is today. During the era of Secure Communities (2008 through 2014), there was an average of 81,000 grant-making foundations in the United States which gifted a little over 378 billion dollars across nonprofits and policy issues. From this \$378 billion¹, only 1.85 billion in philanthropic grants were designated for immigration-related services within the forty-eight continental United States and the District of Columbia. Foundations awarded the nonprofit community with \$84 per non-citizen over a seven-year period. Yearly, nonprofits operated with an average of 11 dollars of philanthropic funding for every non-citizen in their community, an amount that is unlikely able to provide any long-term integration services and much less for access legal representation. Additionally, Figure 2 shows the unequal funding distribution where many communities with immigrants received even less per immigrant if any funding at all.

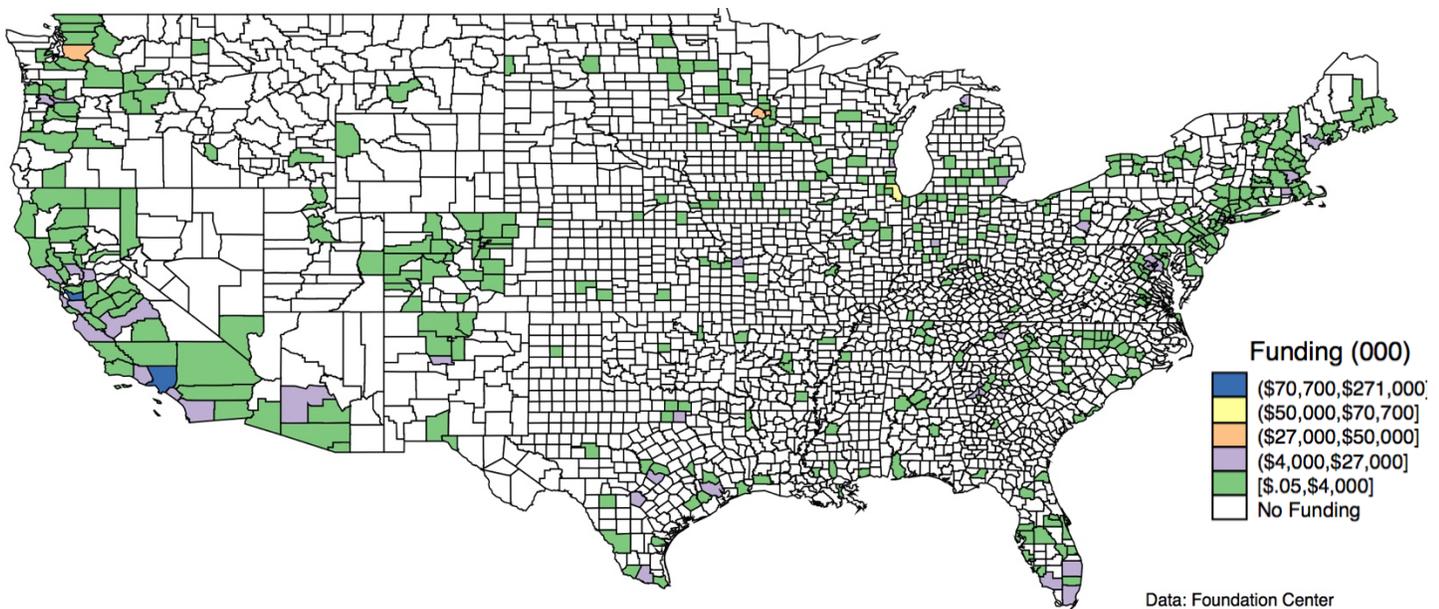


Figure 2: Total Aggregated Philanthropic Immigration-Related Funding per County from 2008 to 2014

¹ All dollar amounts have been adjusted for inflation and represent 2016 constant dollars.

Since, the US government does not have formal organizations designated to help with immigrant incorporation, nonprofits across the United States have stepped in to fill the void assisted by funding from foundations. With an unmet need by the government for services and policy reform, foundations' grant making is helping nonprofits endeavoring to provide the needed services and advocacy efforts for immigrant communities afraid of reaching out to local government¹².

Through their strategic grantmaking to immigrant-serving nonprofits, foundations help promote the legitimacy for pro-immigration integration and citizenship. In this way, foundations and nonprofits have provided non-naturalized immigrants, including undocumented immigrants, with “citizenship of noncitizens¹³” through their ongoing funding support for nonprofit programs and services aimed at creating inclusive community.

Philanthropic Funding and Immigration Enforcement

U.S. foundations provide philanthropic support for a variety of causes and issues. Among the top three within the U.S. are education, health, and human services¹⁴. Immigration-related giving received about 0.05% of philanthropic giving in the U.S. during the era of Secure Communities. Data acquired from the Foundation Center illustrated that U.S. foundations from community to corporate foundations made over 25,000 domestic grants for immigration-related services and programs during the era of Secure Communities.²

For this study, grants which contained the following codes between the years of 2008 through 2014 are identified as immigration related grants:

- *Nonprofit Target Population: immigrants, immigrants and migrants, or refugees*
- *Grant Activity: immigration services, immigration rights, or immigration and naturalization*

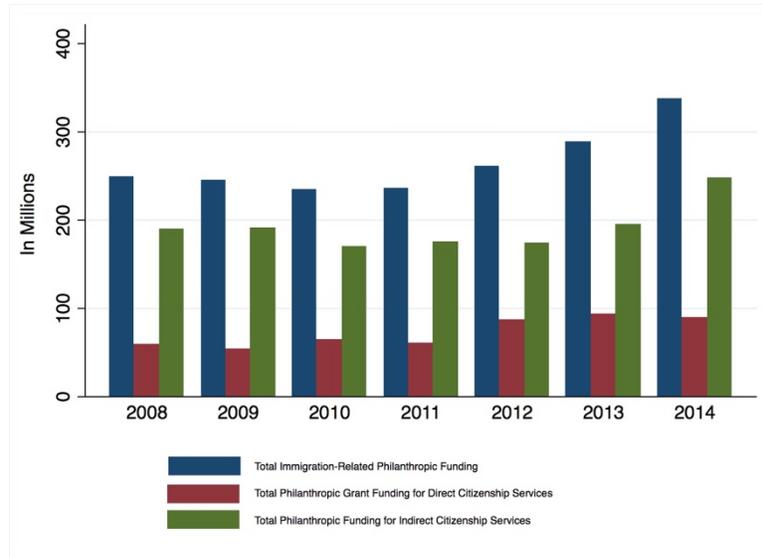
Roughly foundations made about 25,000 immigration-related grants totally around about 1.85 billion dollars. These immigration-related grants were divided into two categories, direct citizenship indirect-citizenship grants. Citizenship can take on many forms, but the sub-division, for this research, falls along political citizenship. Direct immigration-related grants are grants with their major grant activity as one of the following: immigrant rights, immigration services, immigration law, or immigration and naturalization. Immigration-related grants for citizenship services focus on providing legal integration for the immigrant community. Indirect citizenship grants assist in funding integration based services such as programs that help meet an individual's needs for survival. Together these immigration-related philanthropic grants extend citizenship to non-citizens.

Figure 3 illustrates the yearly aggregate amount for immigration-related grants and a breakdown between direct citizenship and indirect citizenship philanthropic funding. Yearly, the nonprofit community received an average of 264 million philanthropic dollars to provide immigration-related services. On average, philanthropic funding for direct citizenship services was about \$72

² The Foundation Center collects, cleans, and categorizes grant allocations for over 140,000 grantmakers in the U.S. from their online IRS 990s and electronic grant reports. The grants are categorized to include information on the grant maker, grantee, and include information on grant activity using standardized NTEE taxonomy.

million and indirect citizenship related services received about \$192 million. Although philanthropic foundations provide support for immigrants, most of the funding supports indirect citizenship services rather than services for formal political citizenship.

The philanthropic funding given to nonprofits concentrates in specific areas of the U.S. If we look at aggregated philanthropic funding, the top three counties are the District of Columbia (\$270 million), New York County (\$259 million), and Los Angeles County (\$216 million). The top three states are California (\$616 million), New York (\$317 million), and the District of Columbia (\$270 million).



At the same time, local law enforcement agencies matched 0.09% of the non-citizen population, legal permanent residents, visa holders, or undocumented immigrants, with deportable offenses and provided their information to Immigration and Customs Enforcement (ICE). From the more than 2 million immigrants identified for possible removal, local law enforcement agencies aided ICE in removing close to 400 thousand immigrants during Secure Communities. Of this population, more than half of the identified immigrants had low priority offenses, which means immigrants posed no threat to community safety. The data on immigration enforcement policy outcomes come from the Secure Communities IDENT/IAFIS Interoperability Monthly Statistics¹⁵.

Using multivariate analysis and controlling for external influences on immigration enforcement, and results indicate that philanthropic funding can protect immigrants, both low and high priority immigrants, from identification by local law enforcement agencies. Despite the lack of policy reform during the era of Secure Communities, the relationship between philanthropic funding and immigration enforcement indicates that increasing the funding for immigration-related services reduces the per capita amount of immigrant matches made by local law enforcement agencies for ICE.

Due to the uneven allocation and the variation in the funding amount provided across the counties, to protect more than a hundred immigrants in the community foundations would have

to increase their philanthropic funding for immigration-related services by more than triple the average funding per county, \$85 thousand, especially in counties with high immigrant populations. Additionally, it would also require that more funding begins to reach counties that are currently not receiving any grants for immigration-related services without taking away from counties that are dependent on the funding they currently are receiving. Philanthropic funding provides nonprofit organizations with the ability to help protect immigrants from being identified for possible deportation.

Philanthropic Funding as Nonprofit Support

Last October, the MacArthur Foundation awarded a grant of \$625 thousand to the founder of United We Dream, Cristina Jimenez Moreta¹⁶. The work of United We Dream focuses on education and advocacy campaigns to push for policy and social reform within the U.S. Its work is representative of the work being accomplished across community of immigrant-serving nonprofits.

Immigrant-serving nonprofits are the meso-level mediating structures providing the bridge connection between the marginalized community with a lack of formal political citizenship to the larger socio-political communities around them¹⁷. The immigrant-serving nonprofits across the U.S. are looking to close the gap between immigrants and local governments that expose immigrants to federal scrutiny by providing services¹⁸ such as language access, education services¹⁹, rights²⁰, and healthcare. Nonprofits are the vehicles that help facilitate an integration process for the immigrant community through their advocacy and service provision.

Philanthropic grants constitute a base part of the operating budgets for nonprofit organizations. This funding remains a vital part of the keeping nonprofits afloat but does not reveal the ways that nonprofits mediate and create citizenship for non-citizens. To understand the work that is done by nonprofits, as part of this research, interviews with nonprofits conducted provided insights into how nonprofits reduce the identification of immigrants across the interior of the U.S.

Using the grant data from the Foundation Center, selection of the states and counties for nonprofit interviews require that the county have high philanthropic funding and high immigrant population. The following were part of the first set of interviews conducted for this interview:

- California: San Diego, Los Angeles, San Francisco, Alameda
- Texas: Hidalgo, Bexar, Travis, Harris, Dallas, Brazos
- Illinois: Cook
- District of Columbia

A total of 45 interviews across California, Texas, Illinois, and the District of Columbia. The nonprofits included in the interview sample served from 100 to over 1,000 constituents in their communities. These nonprofits focused on helping attain political citizenship, but additionally many had social, cultural, economic, and education programs to help promote integration into the broader community for immigrants and their families.

The philanthropic funding awarded to the immigrant-serving community across the U.S. funded the multiple missions that focused on developing a healthy and safe community for immigrants and their families. These grants are part of the budgets providing aid for, in most cases, dual missions of advocacy and service delivery. The strategy to combine advocacy and service delivery illustrates nonprofits engaging in holistic change. To have the greatest impact, services must be holistic where services are not only focused on the individual, but on the systems that are affecting the individual.

“One it is a holistic model...It is critical to provide those direct services that can help individuals find safety, find justice, break cycles in their families and communities. But we also want to be working on systems advocacy and trying to get broader community policy makers, different systems, like law enforcement, to understand these issues better, as well, to change laws, to change minds, and to change practices.”

-- Executive Director, Washington, D.C. & Texas

Philanthropic funding helps reduce the number of immigrants being identified for deportation as nonprofits engage in the following: advocacy beyond lobbying or electioneering, legal services for status adjustments, and creation of social citizenship by providing access to a variety of basic needs such as education to workforce development. The findings in this research add to the line of literature on the role of nonprofits as agents of integration.

Advocacy

“We work very closely with the Mayor’s Office of Immigrant Affairs ...we are on panels for them, we advise them, we provide consultations, they come to all of our different community town hall meetings...there’s no funding [there], but there are opportunities for collaboration and co-sponsorships.”

-- Nonprofit Executive Director, California

Nonprofits are unable to expend more than 20% on lobbying and cannot engage in electioneering, instead they have used their administrative capacity to create advocacy efforts. Furthermore, nonprofits must collaborate across sectors and target issue framing to change the perception of immigrants²¹. While advocacy is a major tool for creating policy changes, smaller nonprofits with a closer pulse to community perceive advocacy as a four-letter word that can threaten the status of the nonprofit. For the most part, nonprofits engage in advocating in non-lobbying ways such as educational campaigns throughout the community, giving testimony or policy recommendations in government, or by organizing and mobilizing community members. The focus of advocacy is not only reform, but to change the negative immigrant narrative. Furthermore, nonprofits are using their privileged position as trusted members in their community to create and strengthen the lines of communication between a marginalized community and political actors who have the power to create change in both the state government and the local government.

Every year, national immigration policy reform is a topic of policy discussion and at times action, but reform remains an elusive act. It may be that federal government is the only level of government that can alter requirements for citizenship, but states and local governments have the right to enact laws that impact quality of life within their jurisdictions. As such the focus has now moved to advocate within the levels of government most proximate to the lives of immigrants. Nonprofits are focusing their advocacy efforts to push for policy changes across a spectrum of issues that impact the life of an individual from criminal justice to access to health.

One incredible example of the advocacy work done to help aid in altering the number of immigrants eligible for deportation in California.

“In California, we had a law recently that changed the sentencing, the [misdemeanor] mandatory sentencing, [from 365 days] to 364 days, so we are trying to get that replicated in other states. We are trying to make sure that these little tweaks that can have a massive impact go into effect in as many places as possible, and work with local government, the local school board on policies...”

- *Development Director, California*

The criminal justice system and our immigration regime are intertwined but are not set up to aid the immigrant community. The change in the law in California affects the deportability of an immigrant²². This law reduces the size of the population eligible for deportation by not allowing a state misdemeanor conviction to translate into a felony based on immigration status. The goal is to advocate across more states and localities to pass a similar law, but this might remain unattainable without financial support from foundations.

Furthermore, not all public defenders are trained or know to understand how taking a plea deal can affect the status and eligibility of immigrants. Increasing the funding to nonprofits with legal clinics promotes trainings as well as expands the number of attorneys that can provide pro or low bono services to all immigrants regardless of their status before a court of law. Legal aid clinics would only be allowed to provide representation to only documented immigrants, but foundation support provides assistance for undocumented immigrants to receive legal representation.

The final advocacy effort led by nonprofits is creating programs that lead to the empowerment of the immigrant community to use their stories and their lived experiences as campaigns to change their communities. These programs develop the leadership abilities of women and men to act as canvassers, protest leaders, and promotoras of information clinics such as Know Your Rights all the way to worker rights.

Legal Services: Status Adjustments

“We do citizenship services, we do DACA [applications] ...family petitions, deportation defense...U-visas... whatever we cannot do in-house we connect folks with immigration attorneys that we can trust, and we know that are going ... [to] provide services at a reasonable cost.”

-- Director of Immigration Services, Illinois.

Socio-cultural integration of the immigrant community can only provide the ability of immigrants to know how to move and live in their communities. But, it fails to provide the best protection for the immigrant community if they ever come into contact with ICE or their local law enforcement agency. As one Director of Immigration Services put it, "the best thing I can do is win them status." Immigration law is complicated, and when cases involve residents with a record or undocumented immigrants applying for residency or naturalization, the process becomes even more complicated. Without the proper status, no level of integration will be able to stop ICE from entering our immigrant community into deportation proceedings.

Now many nonprofits offer programs that help provide legal advice to representation. However, most legal services are offered at reduced fee and with a small portion being free. All nonprofits that offer legal services have expressed that their caseloads demands are more extensive than the supply of attorneys or certified legal representatives available to assist in providing aid. Most nonprofits have waitlists and are only able to do intake forms and provide general information or referrals to other nonprofits.

From current rhetoric²³ to immigration enforcement directives, immigrants in the U.S. continue to be villainized²⁴. Philanthropic funding remains a tool to protect the immigrant community regardless of their status or a "criminal" background. In this manner, the philanthropic community supporting immigrants acts in an adversarial manner to ICE's Enforcement and Removal Operations. However, its relationship to government need not be all negative. The philanthropic funding that supports legal service and representation for immigrants applying for residency or naturalization has a complementary relationship with the U.S. Citizenship and Immigration Services. With the current backlog of applications across sectors, nonprofits help ease the administrative burden by helping ensure that applications submitted by immigrants are accurate and immigrants are prepared for all portions of the residency and naturalization process.

Recommendations

"Foundations don't fund revolutions."

- Executive Director, California.

Secure Communities ended its first era in 2014, at the beginning of the current administration, President Trump reinstated Secure Communities. A memo issued to all employees of the Enforcement and Removal Operations department stated that, "DHS will no longer exempt classes or categories of removable aliens from potential enforcement²⁵." This directive and the

current policy recommendations call for increased funding to strengthen border enforcement and expand the number of agents. Increasing funding and removing priorities indicates an immigration force ready to increase detainment and deportation of immigrants. Foundations have the ability to aid in reducing the future number of detained and deported immigrants, but they must begin to prioritize funding for immigration rights and immigrant services.

Despite the what seems like unlimited financial resources, grant budgets are limited in size and by the issues important to the foundation. Philanthropic funding might not be able to fund a revolution to end the deportations across our communities, but their funding provides nonprofits with the ability to produce tools that provide protection for our immigrant community. This protection extends a citizenship to non-citizens that allows immigrants access to social networks, social capital, and resources to help promote resilience and strength. The following are recommendations based off of the interviews conducted with the philanthropic community to improve the philanthropic creation of citizenship for immigrants.

Foundations to Nonprofits

Along with conducting interviews with the nonprofit community, additional interviews with Executive Directors took place in the same counties that provided grants for immigrant-serving nonprofits or grants specifically for immigration services. A total of 13 foundation directors participated in the interviews. The directors provided the following suggestions for nonprofits to consider during the grant application process.

- If foundations do not offer general operating support grants: In your project grants factor into the budgets the required operating budget needed to run your nonprofit during the operation of the program. If you do not have the space (building rent), can't keep the lights on (utilities), or have a program coordinator (staff), how will the program run? The program budget should always factor into the organizational operating costs that go beyond program specific supplies and staff.
- Build relationships with the foundation's program officers. Limited time can restrict this, but having the foundation know what your nonprofit offers the community beyond words in your letter of interest, grant application, or site visit is vital to foundations willing to take a risk on smaller nonprofits or for first-time applicants/possible awardees.
- Build your nonprofit's leadership from your executive director down to your volunteers. This is fundamental to having a foundation willing to take a risk and provide grant funding. Without strong leadership a nonprofit may not be able to achieve its stated mission.
- Don't be afraid to reach out and ask questions. Most foundations will have sessions to provide help or clarification about their grant process. Take advantage of these sessions not only for clarification, but to meet the grant officers.

Nonprofits to Foundations

Two hundred foundations expressed support for the immigrant community and against the current policies of this administration. These foundations only represent a small portion of

the philanthropic community. Although, some of them may hold significant shares of grant-making power, below are some suggestions for increasing a nonprofit's ability to serve the immigrant community:

- Long-term grant commitment to nonprofits: Nonprofits understand that it might be difficult to commit to grants in the long term, but grants longer than one year would provide stability. When nonprofits have to continue to reapply on a yearly basis, it takes away from the time that nonprofits have to devote to managing and developing their organization. The yearly grant cycle is especially burdensome for smaller nonprofits with no grant writer on staff.
- Balance between innovation & established practice: Seeking innovative programs to help with integration to language acquisition for immigrants can create great opportunities. However, having to create new programs to gain grants can create mission drift or service delivery that is not as effective as tenured programs. Reducing the need for innovative programs to funding programs with tenured practices and proven outcomes provides stability for the constituents of the nonprofit and the development of the nonprofit and its staff as well.
- Increase funding to Grassroots Nonprofits: Fund grassroots organizations in addition to established and bureaucratic organizations. These are the heart of the community and the trust of the most vulnerable of members. Their organization may not seem the most attractive because of its size or inability to serve hundreds, but their work is fundamental to creating coalitions with true expertise on the needs of more than just the most visible members of the immigrant community.
- Representation Matters: Trust between a nonprofit and foundation is important to having a relationship that builds capacity on both sides. Increasing the representation of individuals who have lived experiences or experiences working in the communities' grants are being designated for will lead to facilitating better communication and trust between grantor and grantee.

Conclusion

With more Dreamers continuing to lose their status each day to President Trump's immigration policy proposal, it is unlikely we will see a decrease in immigration enforcement. The hope and protection lies with helping nonprofits continue serving the immigrant community. As philanthropic community pushes for true American citizenship for the millions of immigrants, the time is now for foundations to fund the revolution. For foundations wanting to create change, its time more money is put in the hearts of the community to support continued advocacy efforts and expansion of legal services and representation at deportation proceedings, especially in states with anti-immigrant climates.

End Notes:

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