

# Divest/invest at the intersections: Immigrant justice and criminal justice reform

By Lorraine Ramirez

Now more than ever, grantmakers can't afford a siloed approach to criminal justice reform. The divest/invest frame offers an immigrant justice lens to systemic problems and potential solutions to end the criminalization of immigrants, refugees and communities of color.

The National Committee for Responsive Philanthropy's (NCRP) recent Movement Investment Project brief, *The State of Foundation Funding for the Pro-Immigrant Movement*, reminds philanthropy that "our success is rooted in the success of our communities."

As grantmakers, donors and funder affinity groups, our role in social change is to move resources to support power-building in communities of color and low-income communities. For communities to be successful, funders must invest in and follow communities' lead as to what will keep them safe and thriving. Yet communities of color have been systematically divested and stolen from since the colonization of these lands, which fed the growth of philanthropy in this country.

Divestment from these communities and investment in policies and practices that criminalize and marginalize immigrants, refugees and all people of color continue today. Yet funders have too often remained siloed as "immigrant integration" funders or "criminal justice" funders, not acknowledging the deep interconnections.

The question for grantmakers is this: Will you be complicit or will you stand for equity and justice?

## INVESTING IN RACE AND CRIMINALITY

The report titled *The \$3.4 Trillion Mistake: The Cost of Mass Incarceration and Criminalization*<sup>1</sup> by Communities United, Make the Road, Right on Justice and Padres y Jóvenes Unidos detailed

the drastic increase in criminal justice spending over the last 3 decades.

They found that billions of public dollars are put into criminalizing migration and migrants each year while public policies explicitly exclude migrants from access to daily life in the U.S., including jobs, housing, education and health care even though undocumented immigrants pay billions in taxes every year. In order to divest from criminalization, the nation must divest from immigration enforcement.

With some grassroots success at the local level to decrease the amount of people either going to jail or currently incarcerated, city, county and state officials are now increasingly meeting budget demands by filling jail beds with detained migrants.

## Criminalization Affects...



...in every Black, Brown and Indigenous Community.

In April of this year, Funders for Justice (FFJ), a program by the Neighborhood Funders Group, hosted a webinar about the intersections of bail reform and detention bonds.<sup>2</sup>

During the webinar, Angie Junck of Heising-Simons Foundation along with Benita Jain of Immigrant Family Defense Fund and supervising attorney of the Immigrant Defense Project described how the criminal justice system was designed to criminalize and lock up people of color, including immigrants. Current punitive laws are used to arrest and convict as many people as possible, then as additional punishment funnel immigrants into the pipeline of deportation coupled with immigration detention. This mass criminalization comes out of a toxic political narrative that blurs race, migration status, national and border security, and criminality.

For example, Harris County in Houston, Texas, is the 4th largest jail in U.S., with up to 10,000 people housed on any given day. One in every 4 Houston residents was born outside of the U.S. From 2000 to 2013, Houston's immigrant population grew at nearly twice the national rate: 59% versus 33%. Because of the size of the jail and the demographics of the county, it is not surprising that Harris County is 2nd in the U.S. in the number of deportations.

The federal government's investments in wars around the world that ravage lands and communities often drives migration toward the U.S. Yet government officials criminalize and reject migrants from Africa, the Middle East, Latin America, Venezuela, North Korea and Asia – including the visa ban for 5 majority-Muslim nations: Iran, Libya, Syria, Yemen and Somalia.

A simultaneous divestment from public support for migrant people, families and communities results in extremely precarious and dangerous daily conditions for migrants in the U.S.

Because of investments toward war abroad, combined with police and Im-

migration and Customs Enforcement (ICE) removing public funds that support migrant families and communities, Junck and Jain explained that these immigrants face precarious and dangerous conditions in the U.S. each day.

Moreover, there is a proliferation of contracts across the U.S.<sup>3</sup> that allow ICE officials to use both public and private facilities to detain immigrants. The Detention Watch Network provides a helpful overview of how the U.S. government maintains the world's largest immigration detention system, and how that came to be the case.

One place where this is playing out is in the Midwest, where there is often little public transit. Some migrants who have no recourse but to drive in Minnesota are profiled by law enforcement officers, given traffic or vehicle violations, and then turned over to ICE. This is happening across the country.

As a result, noted Nekessa Julia Opoti of the Black Immigrant Collective during a January webinar hosted by NFG about prisons and detention centers, racial justice and the environment in rural places, Black immigrants are 7-9% of the migrant population but make up 25% of those in detention who face deportation. There are sanctuary cities throughout Minnesota, but sanctuary cities are defined in different ways. For example, a city may be a sanctuary, but if the jail is run by the county, county officials may still cooperate with ICE and are not subject to city officials' oversight.

What's happening in the Midwest and around the country is similar to the racial profiling that Arizona's anti-immigrant law SB 1070 legalized in 2010.

## REINVESTING IN MIGRANT COMMUNITIES

When FFJ began looking at the divest/invest frame, it was clear that migrant justice fighters have been at the forefront. Key campaign examples are framing the divest/invest narra-

tive with #Not1MoreDetention and #AbolishICE. In turn, migrant-fueled grassroots organizations such as Mijente, Organized Communities Against Deportations, Poder in Action, Puente, the Georgia Latino Alliance for Human Rights, the Border Network for Human Rights, the Congress of Day Laborers (New Orleans), Juntos (Philadelphia), the Black Alliance for Just Immigration and Silicon Valley Debug actively work to move resources and migrants out of criminalization and into meaningful community safety visions of housing, education, health care and jobs.

These groups and others are involved in ongoing fights to reduce police surveillance and harassment, protect members from deportation, stop new immigration detention facilities and additional beds, and end the criminal prosecution of migrants.

On the U.S.-Mexico border, more than 60 organizations make up the Southern Borders Communities Coalition that is working to "revitalize, not militarize" the border. Members recognize that "schools, health care and roads are better than agents, weapons and drones."

The Defund Hate Campaign from the Detention Watch Network calls to defund the detention and deportation machine. Local campaigns across the country call for direct investments and resources to migrant communities through access to education, health care, housing and other key aspects of healthy communities.

Chicago-based Communities United is investing in migrant communities. FFJ field advisor and co-executive director, Jenny Arwade, said that Communities United has taken on healing justice work as a critical way of being in community with migrants and other Chicago residents as they organize communities to go up against enormous challenges.

The divest/invest framework has been a critical vehicle for Black-brown

alliance-building around community justice reinvestment. Healing justice is important given that families have been torn apart and endured trauma in their communities, Arwade said.

FFJ members have also learned about healing justice from Francisca Porchas Coronado, a Nathan Cummings Foundation Fellow and principle of Resilient Strategies, who recently launched the Latinx Therapist Action Network. Coronado spoke about the immense traumatic impact on migrant communities and the toxic impact on families and individuals, which has immediate ramifications for migrants on the frontlines as well as lasting implications across generations for entire communities.<sup>4</sup>

#### BREAKING THE SILO BETWEEN CRIMINAL JUSTICE REFORM AND IMMIGRANT JUSTICE

Over the last decade, the bulk of pro-immigrant and refugee funders have focused their efforts on integrating “model” immigrants, i.e. based on legal or employment status, or level of education, into an idealized American society.

However, a handful of forward-thinking program officers and institutions have responded through “crimm” grants to grassroots organizations whose task is to confront the misuse of criminal justice bureaucracies that enforce immigration laws.

Funding for criminal justice reform work has expanded considerably. There are now significantly more grantmaking institutions and money committed toward ending mass incarceration and reforming various elements of the criminal legal system, including policing.

However, increased interest in criminal justice reform has not explicitly included criminal prosecution and detention of immigrants as part of the problem that we need to address. As a result, both undocumented and documented migrants have typically been left behind and further criminalized be-

cause they are not protected by reforms. Instead, “enforcement” gets entirely directed toward them.

The divest/invest frame calls for criminal justice reform and immigrant justice funders to see their common interests in one another’s areas of expertise. It is clear at this historical moment that immigrant detention and migrant criminalization will be transformed only by directly confronting the ills of the broader criminal legal system.

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FFJ also sees the divest/invest frame as critical for any philanthropic institution working to meet its mission. As NCRP’s brief states:

“The core group of pro-immigrant funder allies have important lessons to share with the sector including innovative work to look beyond the pro-immigrant movement as a single issue; funding across portfolios of criminal justice, health equity, gender issues, education, economic equity, civic participation and democracy; and how to move money quickly and effectively to where groups need it most.

Pro-immigrant movement groups work at the intersection of public health, economic security, civil rights, education access, public safety, gender justice and many other issues that philanthropy cares about. Immigrants are moms and dads, entrepreneurs and small business owners, teachers and students, doctors and nurses, caregivers, construction workers and much more. When we embrace the complexity in the history and identities of all people in our communities and enable to them to thrive, those communities become healthier, safer and more prosperous.”

#### DIVEST/INVEST: A CALL TO ACTION FOR FUNDERS

Funders for Justice believes that our collective investments in housing, education, health, transportation, food security and jobs will fail if we do not also proactively work to redirect the nation’s resources away from criminalization of all communities of color, regardless of immigrant status. Our partners in the field are organizing to move funds from criminalization toward the critical work of transforming communities to be truly safe and secure.

In 2017, FFJ launched Divest/Invest: From Criminalization to Thriving Communities, an *(continued on page 13)*

4. Are immigrants and refugees represented in your organization? How can your employment and recruitment policies better foster inclusion of immigrants and refugees with experience organizing pro-immigrant movements on your staff, board and advisory councils?
5. How inclusive are your feedback processes among these communities? When reaching out, first talk to a pro-immigrant organizer. Be aware of how fear from U.S. Immigration and Custom Enforcement, police and deportation will affect immigrant and refugee communities' willingness to trust those outside the community. Be patient and proactive to establish trust.
6. Have you considered the value of participatory grantmaking models? Designating a portion of grant funds to pro-immigrant organizers is an effective power-sharing and power-building strategy.

#### Wielding Power:

1. In what ways do you collaborate with and organize other funders to

support a vibrant movement ecosystem? The infographic can be a great conversation starter with your funder networks. There is likely an immigrant and refugee perspective that funders need to understand and address regardless of the geographic or issue focus.

2. Can you leverage your philanthropy and business networks to help open doors to other funders and donors for pro-immigrant movement organizations? Funding for immigrant justice is too top-heavy. For the movement to be sustainable, its champions must bring other funders to the table, particularly at the local level – including 501(c)4 funders.
3. Do you invest in companies that profit from private prisons and detention centers? Consider how your non-grant assets may harm the pro-immigrant cause and how you can proactively use your investments and your power as a shareholder to influence corporate policies.
4. In what ways can you use your credibility and bully pulpit to speak out about deportations and to de-

fend immigrant organizing? If you are a 501(c)3, you can lobby. But even if you are a private foundation, you can engage in public education, research and media relations to support immigrants and refugees. ■

*Lisa Ranghelli is NCRP's senior director of assessment and special projects. She is the primary author of Power Moves: Your essential philanthropy assessment guide for equity and justice.*

## Notes

1. Farhad Ebrahimi, "How to think about power (especially if you have some)," *Responsive Philanthropy*, February 2019, <https://www.ncrp.org/publication/responsive-philanthropy-february-2019/how-to-think-about-power-especially-if-you-have-some>.
2. Learn more about *Power Moves: Your essential philanthropy assessment guide for equity and justice* at <https://www.ncrp.org/initiatives/philamplify/power-moves-philanthropy>.

## Immigrant Justice and Criminal Justice Reform

(continued from page 9)

online toolkit for funders to join in the divest/invest conversation and use the frame to guide their grantmaking.

FFJ asks grantmakers and donors to take action: Change your grantmaking and invest philanthropic dollars into grassroots organizing to end criminalization and especially toward campaigns to move public dollars from police, prisons and immigrant detention. ■

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## Notes

1. Learn more at [https://maketheroadny.org/pix\\_reports/Justice%20Reinvestment%20Final%20Report.pdf](https://maketheroadny.org/pix_reports/Justice%20Reinvestment%20Final%20Report.pdf)
2. View the webinar recording at [https://zoom.us/recording/share/zzopucaG-](https://zoom.us/recording/share/zzopucaG-2NixbCi8uhy7v_1541Ael8ejs_7nd8_8_6wlumekTziMw/)

- 2NixbCi8uhy7v\_1541Ael8ejs\_7nd8\_8\_6wlumekTziMw/
3. Tanvi Misra, "Where cities help detain immigrants," *CityLab*, July 10, 2018, <https://www.citylab.com/equity/2018/07/where-cities-help-detain-immigrants-mapped/563531/>.
4. Watch the webinar recording at <https://zoom.us/recording/share/1JPixsbpTSIAXFCLix8cLhixlcq39jYPFbwHOORXTWwlumekTziMw?startTime=1540400499000>.