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Final Lines of Defense: Explaining Policy Advocacy by Immigrant-Serving Organizations

Abstract: Nonprofit scholars have developed a rich literature on nonprofit advocacy. While the literature is rich, however, gaps remain in our collective knowledge, especially regarding specific sectors of nonprofit human service organizations. Here, we apply existing theory on advocacy by human service organizations to an important subset of the nonprofit community, that being immigrant-serving organizations (ISOs). Most prior research on nonprofit advocacy has not focused on politically polarized issues, such as contemporary immigration policy. Using a nationwide survey of ISOs, we find that unlike other types of human service organizations, the majority of ISOs *do* engage in at least some forms of policy advocacy. However, those that report using the H-election status on their Form 990s are significantly more likely to engage in advocacy and do so to a wide variety of policymakers, including legislators, chief executives, and even local law enforcement agencies. H-election groups are also more likely to perceive their advocacy activities as effective. These findings add to the evolving knowledge on when and how human service groups seek policy change for marginalized groups.

It took only one week for the Refugee and Immigrant Center for Education and Legal Services (RAICES) to raise $20 million. RAICES was one of the first responders of the nonprofit community to mobilize their services to the U.S. southern border as the asylum humanitarian crisis of the Trump Administration broke across news outlets. During the past two years, the nation has watched as the

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southern border has become engrained as a place of human rights violations through the separation of families, the deaths of immigrants and asylees, and the conditions of detention centers. Most literature on immigrant-serving organizations (ISOs) focuses on their vital service provision work, such as providing low-cost legal aid. However, ISOs help in a multitude of ways, including advocating for policy changes to prevent immigrants from facing legal challenges in the first place. Without these nonprofits raising awareness of the violations at the southern border, for example, the nation may have been none the wiser. Awareness campaigns, such as RAICES', are but one method of advocacy by human service nonprofits (Almog-Bar and Schmid 2014). Policy advocacy by ISOs benefit immigrant communities in both past and future tense but is an underexplored topic by immigration policy and nonprofit scholars.

Current advocacy research argues that most human service nonprofits, such as ISOs, have insufficient time, resources, or motivation for policy advocacy on behalf of their clients (Almog-Bar and Schmid 2014). Using the first nationwide study of ISOs, we determine how typical – or atypical – immigration nonprofits are in terms of policy advocacy. Do ISOs engage in policy advocacy? If so, what type of advocacy activities do these specialized human service nonprofits perform? To whom do they advocate? And, most importantly, what characteristics predict whether ISOs engage in advocacy in the first place?

Given their watchdog role and occasional direct access to immigrants in need, such as those in detention or facing removal, ISOs are uniquely situated to be policy advocates for immigrant communities. ISOs work with a politically marginalized community, often by providing specialized legal services such as assistance with paperwork or direct representation in removal hearings. As the nonprofit advocacy literature develops, a clearer understanding of the role of ISOs, focusing on how they specifically engage in policy advocacy is vital, especially during an era of increased punitive enforcement (Bennett 2014). Using a newly developed survey for ISOs, we test current theories of advocacy by direct service providing nonprofits in the specialized context of immigration. Unlike other service providing nonprofits studied by nonprofit advocacy scholars (e.g., Berry and Arons 2003; Child and Gronbjerg 2007), we find that the majority of ISOs *do* engage in at least some policy advocacy. In fact, most ISOs reported advocating to a wide variety of policymakers, including state legislators, governors' offices, local officials, and government agencies.

However, there are noticeable differences within the ISO community. ISOs that utilize the H-election option are significantly more likely to engage in advocacy activities across the board. Surprisingly, these groups advocate to a wide range of policymakers, including policymaking bodies not covered by tax rules that limit lobbying by 501(c)(3) organizations. Notably, these groups were significantly more

likely to advocate against honoring Immigration and Customs Enforcement (ICE) detainers, which are issued to state and local law enforcement agencies and used to hold immigrants until ICE can begin removal hearings. This research adds to the rich literature on nonprofit advocacy by providing insight into a specialized human service organization with a clientele in a currently precarious political position within the United States.

1 Human Service Organizations, Advocacy, and the H-Election

Scholars have developed a rich literature on advocacy by human service organizations (e.g., Almog-Bar and Schmid 2014; Schmid, Bar, and Nirel 2008), and this literature is expansive partly due to the many definitions of "advocacy" (Reid 2006). Many groups engage in case advocacy, for example, where representatives of the organization advocate to the government on behalf of an individual client's specific needs (Kimberlin 2010). However, organizational advocacy efforts can be multi-dimensional, existing along continuums of public to political aims and from co-productive to antagonistic tactics. As research has developed, so many have the ways nonprofit scholars define advocacy. To achieve organizational goals, advocacy can become intermingled with building social capital, civic participation, and helping to provide or amplify a public voice for marginalized or disadvantaged groups and constituencies of nonprofit organizations (Boris and Mosher-Williams 1998). Thus, organizations can engage in multiple advocacy activities, such as education campaigns, releasing research reports, and providing informative testimony.

For human service organizations, advocacy efforts are often a second order priority (Bass et al. 2007; Berry 2001; Donaldson 2008). Human service organizations are generally defined as groups with the primary purpose of improving an individual's or population's well-being or social status through service provision (Kouzes and Mico 1979, p. 453). Such groups have long been an integral part of the U.S. social and economic framework. However, starting with the civil rights movement in the 1960s, many groups, especially those with identity-based missions (e.g., woman centers and black-serving nonprofits), began expanding their activities to include policy advocacy in addition to their traditional role as social service providers for low-income and vulnerable groups. With the devolution and privatization movements in the 1980s and 1990s, the advocacy roles of human service organizations became increasing important. Minkoff (2002) describes this changing period in social and political conditions as giving rise to the "hybrid

organization," which combines identity-based service provision with political advocacy. Today, it is accepted that advocacy, at least in some form, is a necessary function for the human service sector at-large.

Here, we are concerned with efforts to affect policy change, which is a more direct and narrow type of advocacy than the rallies and protest movements generally associated with ISO advocacy studies. We specifically borrow from prior scholars to define policy advocacy activities as "lobbying *and* other appearances before key decision-makers by organizational representatives" on behalf of the population served by the group (Almog-Bar and Schmid 2014, p. 14). We stress the word "and" in the preceding definition because while efforts to influence key policymakers do occasionally constitute lobbying, they often do not. Lobbying is a narrow and legally defined type of policy advocacy, which constitutes the most "formalized" method of advocacy available to groups (Suárez and Hwang 2008). In short, all lobbying is policy advocacy, but not all policy advocacy is "lobbying," per se.

Some of the finest, and arguably most important, research within the nonprofit advocacy literature focuses on the confusion among human service organizations over what constitutes lobbying and the types of policy advocacy permissible for nonprofits (e.g., Berry and Arons 2003). Prior research has shown that mis-understandings of complicated tax rules for 501(c)(3) nonprofits cause many human service organization managers to avoid policy advocacy, despite the fact that groups are very much allowed to advocate – and even lobby (Berry and Arons 2003). While 501(c)(3) nonprofits are strictly prohibited from participating in partisan political activities, such as endorsing and campaigning for candidates (Chand 2014), they are allowed to engage in policy advocacy – and even formal lobbying. IRS rules simply stipulate that lobbying cannot become a "substantial part" of an organization's activities, or the group risks exceeding IRS limits on how much groups can devote to legislative advocacy (Berry 2005).

The IRS has never defined what exactly constitutes "substantial," but, fortunately, groups can engage in policy advocacy without fear of violating an ambiguous limit (Raffa 2000). The H-election option allows groups to engage in direct lobbying or grassroots lobbying of legislative policy without fear of losing their tax-exempt status. By completing Sec. 501(h) of the organization's Form 990, the group can dedicate up to 20% of its first $500,000 of expenses toward direct lobbying of legislative policy (Chand 2013, 106). Further, the IRS definition of lobbying is quite narrow and does not include all types of policy advocacy, even directly to policymakers. According to IRS rules, direct lobbying only includes communications with legislative branch officials (members of Congress, state legislatures, or their staff), chief executive office officials (President, Governor, or

their staff) or a local council to influence "legislation."[1] Thus, nonprofits can advocate directly to administrators in government agencies (e.g., ICE or local law enforcement offices) or testify to legislative committees, which are not covered by IRS restrictions.

While there is little potential downside to using the H-election, research indicates most groups do not utilize it and many nonprofit managers are unaware of what exactly it is (Berry 2006; Berry and Arons 2003). MacIndoe and Whalen (2013) found that specialized human service nonprofits – those with professionally trained staff providing professional services – are more likely to engage in policy advocacy. They also found organizations utilizing the H-election option were significantly more likely to engage in policy advocacy than groups that did not.

Immigrant-serving organizations (ISOs) certainly meet the definitions of identity-based (Minkoff 2002) and professional, specialized human service organizations (MacIndoe and Whalen 2013). Additionally, the professional service most ISOs provide is legal aid, suggesting that they may be more familiar with tax lobbying laws, at least when compared to other non-legal aid groups. Such being the case, we anticipate most ISOs will report engaging in at least some forms of policy advocacy. In the proceeding section, we review some of the prior literature on ISOs and ISO advocacy.

2 ISOs and Predicting Policy Advocacy

With the role of nonprofit organizations changing to face complicated social problems, gaps persist in our understanding of advocacy by service organizations. In particular, there is little, if any, generalizable research on advocacy by ISOs that meet any definition of a human or social service organization (Roth and Allard 2016). Immigrant-serving organizations provide a wide variety of services necessary for immigrants to successfully integrate into communities, including housing assistance, childcare, employment training, language classes, and securing public benefits to which they are legally entitled (Jiménez 2011). Arguably, the most vital service they provide is legal aid, which includes activities such as assistance with filling out visa and green card paperwork, determining whether individuals are legally eligible for benefits, and navigating the tax code as it specifically applies to immigrants (de Leon and Roach 2013; Fix and Passel 1999). Of course, they also

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1 See IRS definitions of lobbying and what officials it covers at the agency's website: https://www. irs.gov/instructions/i990sc. IRS rules also cover "grassroots lobbying," attempts to spur public action on a legislative issue, e.g., encouraging the general public or group members to reach out to legislators on a specific issue; however, our survey does not ask about grassroots lobbying.

provide affordable representation for immigrants facing removal from the country (Chand et al. 2020).

ISOs focusing on legal-service provision are providing vital lifelines to individuals who face the possibility of removal from the country throughout various points in the immigration system, from visa applications to removal hearings (de Leon and Roach 2013). Unlike human services organizations working in areas such as education or health care, ISOs are working for and with a population with limited to no political rights. Immigrants' ability to reside in the United States hinges on complex federal legislation. Yet, their level of deportability is also affected by state and local legislation. In the process, ISOs gain intimate knowledge about the political and policy environment, which are often complicated and unclear for the average individual.

This is not to say there has been no research on advocacy by ISOs. On the contrary, there have been excellent studies discussing the detailed role of specific nonprofits as actors in political mobilization campaigns or broad advocacy efforts to incorporate immigrants into communities (Brown 2013; Cordero-Guzmán et al. 2008; de Graauw 2014, 2016). Overall, however, the advocacy literature says little on the role of ISOs as policy advocates seeking to influence policy adoption, or, to quote the political science literature, functioning as "interest groups."

We know, based on prior research in specific regions of the country, that at least some ISOs incorporation advocacy into their mission. By working with soon-to-be citizens, immigration nonprofits are poised to help raise voices, through activities such as voter mobilization and participation in electoral politics (Brown 2013; de Sipio 1998, 2001; Gerstle and Mollenkopf 2001). Yet most of this research has examined the role of ISOs working in coalitions on broad political activities, e.g., participating in rallies, marches, and demonstrations (Bloemraad 2006; Cordero-Guzmán et al. 2008; Jones-Correa 1998a, 1998b; Marrow 2005; Ramakrishnan and Espenshade 2001; Verba, Schlozman, and Brady 1995). Few have examined groups directly advocating for the adoption or implementation of specific immigration policies.

Still, this prior research gives us at least a few clues as to what factors (variables) predict whether ISOs engage in policy advocacy. A factor of interest to us is the ability to provide legal aid. Providing legal services requires individuals to be practicing attorneys or to receive extensive training and accreditation with the U.S. Department of Justice (U.S. DOJ). This is especially true of ISOs registered with the Executive Office of Immigration Review (EOIR), which houses U.S. immigration courts. These organizations have committed to providing pro-bono services in immigration court (U.S. DOJ 2018, 5). The Board of Immigration Appeals (BIA), the largest administrative body for interpreting immigration laws, previously certified

non-attorneys through an accreditation training process that allows these representatives to provide legal assistance to immigrants during certain legal proceedings within immigration court (BIA 2015).[2]

Surprisingly, there is little research on whether legal professionalism within an organization predicts advocacy. At least one study found that attorneys on the board of directors for groups does not predict nonprofit advocacy (Leroux and Goerdel 2009); yet, it is reasonable to assume that legal knowledge within ISOs could increase policy advocacy as board of directors do not participate in everyday activities. Given that many nonprofits worry about engaging in advocacy due to misunderstandings of the law (Berry and Arons 2003), ISOs with trained attorneys and legal staff would presumably have the capacity to understand how their organization could engage in advocacy without violating IRS rules on lobbying.

Scholars have been particularly interested in the relationship between resources, typically measured by group size or finances, and policy advocacy. Organizational size and finances, it is argued, can cause a group to advocate due to the connections established by funding partners (Chavesc, Stephens, and Galaskiewicz 2004; Donaldson 2007; Kerlin and Reid 2010; Mosley 2010, 2011, 2012; Silverman and Patterson 2011). Some argue that human service nonprofits who are more established and possess higher professionalization, skills, monetary funds, and volunteer capacity engage in advocacy efforts at higher rates (Berry and Arons 2003; Child and Gronbjerg 2007; de Vita 2004; Guo and Saxton 2010; Leroux and Goerdel 2009). This may explain why groups that engage in advocacy are actually able to increase fundraising in fiscal years after their advocacy activities (Nicholson-Crotty 2011).

On the other hand, some argue that these same funding streams can lead an organization to remain timid of advocacy for fear that their stream of resources can be cut (Bass et al. 2007; Guo and Saxton 2010; Lu 2018; Schmid, Bar, and Nirel 2008). Without the resource capacity within the organization, it is unlikely that nonprofits would be able to manage their direct service mission. Funding ISOs is becoming more difficult, due to a greater demand of services (Brown 2013). Thus, ISOs often form coalitions to achieve their service missions (Chin 2018; Cordero-Guzmán et al. 2008; de Leon et al. 2009; Fujiwara 2005; Pantoja, Menjívar, and Magaña 2008).

It is difficult to say how issues of funding and resources will affect an ISO's decision to advocate on policy. Concerns over the loss of public revenue may motivate ISO executives to not agitate policymakers. Although, immigration policy

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2 Since mailing our survey, the U.S. DOJ has moved the accreditation process to be a non-attorney representative to the DOJ's Office of Legal Access Programs. See link: https://www.justice.gov/eoir/recognition-and-accreditation-program.

is primarily – although not entirely – set by the federal government, and the vast majority of public funding for ISO legal services is provided by state and local governments. Therefore, it is entirely possible that public funding can affect ISO advocacy differently dependent upon whether the source is federal versus state and local.

Thus, we are left with an opaque picture, at best, of what motivates ISO policy advocacy decisions. Because ISOs are specialized human service organizations with highly professionalized legal knowledge, we posit that most ISOs will report engaging in policy advocacy. Furthermore, we anticipate ISOs selecting the H-election option will be most likely to engage in advocacy and to perceive their advocacy activities as effective. In the following section, we explain our method of surveying ISO policy advocacy.

3 Surveying ISOs

We study this topic through a nationwide survey of ISOs. To create our survey population, we collected contact information on all groups listed in the directories of the Catholic Legal Immigration Network (CLNIC) and the Immigration Advocates Network (IAN), both of which provide information on how to find low-cost legal aid for immigrants. We added to these lists the U.S. DOJ's Executive Office of Immigration Review's (EOIR) "List of Pro Bono Legal Service Providers" and the Board of Immigration Appeals (BIA)'s list of "BIA-Recognized Organizations." We used a combination of both email and mail surveys, starting with four waves of email surveys, beginning in late March 2019. We followed with one wave of mailed surveys in early July 2019 to groups that had not responded.[3] All told, we collected contact information on 874 organizations with unique employer identification numbers (EINs) nationally.[4] We received 214 usable responses, for a 24.5% response rate. We addressed all surveys to the "principal officer" listed on the group's 990, typically the executive director.

Our response rate is on the high side of average for modern social science surveys (McNabb 2004, p. 153), and it exceeds that of other survey-based studies on immigration or public administration published in top-quality journals in recent years (e.g., Conner 2016, with a 18% response rate; Farris and Holman 2017, 19%; Chand 2019b, 23%). We checked for response bias by using independent sample

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3 We received 84 responses to the emailed solicitation and 130 to the mailed. Due to financial constraints, we were unfortunately limited to only one wave of mailed surveys.
4 There were a told of 1079 organizations, when taking into account groups with multiple offices. We only distributed the survey to one office for each group EIN.

t-tests to compare early (email) and late (mail) responders, under the assumption that larger groups that are more likely to engage in advocacy may be more likely to respond. We used four measures of advocacy and organizational resources, discussed in later sections. Two of the *t*-tests produced significant results, but in both cases, it was late responders who reported higher values, which would suggest a lack of response bias with respect to organizational resources and the likelihood to engage in advocacy.[5] We also compared the percentage of survey respondents who reported being registered with the BIA and the percent that used the H-election with the number of groups in our broader dataset of groups mailed the survey. The percentages were close for the BIA: 87.3% of respondents sample versus 85% in the population. Significantly fewer survey respondents reported using the H-election: 4.7% response sample versus 18.4% population. However, this difference would again suggest that respondents were not disproportionately more likely to engage in advocacy. Finally, we would note that because our contact list consists of essentially the entire population of ISOs in the country, there is no concern over whether we initially contacted a representative sample; thus, we have a lower likelihood of coverage error (Lee, Benoit-Bryan, and Johnson 2011).

4 Responses and Data

Our survey solicits information on topics related to nonprofit management, immigration services (such as legal aid), and, of course, policy advocacy. Countries that practice federalism and separation of powers, such as the United States, utilize polycentric systems of governing, with multiple venues for policymakers to both adopt and implement policies (Carlisle and Gruby 2017; Ostrom 2010). In such systems, many different actors are involved in both policy adoption and implementation, creating a variety of potential policymakers for whom nonprofits can engage. This is especially the case with immigration policy, where local law enforcement agencies play important decision-making roles in the local adoption and implementation of federal immigration policies (Chand 2019a; Farris and Holman 2017; Wong 2012). To develop a comprehensive picture of activities, we asked groups about potential advocacy activities across a variety of venues, including legislative, executive, and administrative policymaking bodies.

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5 The variables used for the *t*-tests were the advocacy engagement, advocacy effectiveness, organization size, and the legal aid index variables. We discuss each variable in detail in the following section. Late responders reported slightly higher values of the advocacy effectiveness and organization size variables.

We measured policy advocacy with Likert items asking how often groups advocated to specific policymakers and how effective they believe their efforts were. First, respondents ranked on a 3-point scale whether they "never" (coded as 1), "occasionally" (2), or "frequently" (3) advocated to five specific types of policymakers: state legislators, members of Congress, local elected officials, the governor's office, or state or federal agencies (e.g., U.S. Health and Human Services or the state Department of Transportation). In a second set of items, we asked respondents to also evaluate, on the same 3-point scale and the same policymakers, how often they believe advocacy to be effective.[6] We ask about both advocacy "engagement" and "effectiveness" because, as numerous political scientists have noted before, most advocacy activities – even well-funded ones – fail at creating changing policy (McKay 2012; Smith 1995). It is possible that the ISOs who are most successful at advocacy (i.e., answer "frequently" to effectiveness items) are not necessarily the ones that spend the most time on advocacy activities (answer "frequently" to the engagement items).

On the bright side, most groups reported engaging in advocacy at least occasionally in four of the five policymaking venues. The one exception was the governor's office, where only a slight majority (50.5%) reported never engaging in policy advocacy. This finding supports earlier studies indicating that organizations serving marginalized populations that are closely aligned to civil rights issues, such as groups providing reproductive services and HIV/AIDS treatments, tend to advocate more than other human service nonprofits (Suárez and Hwang 2008). Percentages for how often groups engaged in policy advocacy for each venue are presented in Table 1.

We added the five-items for both sets of questions, and subtracted by 5 (the minimum possible value, to base the variable at zero) to create indexed dependent variables labeled "advocacy engagement" and "advocacy effectiveness." Only

Table 1: Percentages for ISOs advocacy to specific policymakers.

How often ISOs advocate policy positions to:	Never	Occasionally	Frequently
State legislators	30.8	53.6	15.6
Members of Congress	35.4	47.9	16.8
Local elected officials	28.9	48.8	22.3
Governor's office	50.5	38.6	11.0
State or federal agencies (e.g., U.S. Health and Human Services, State Department of Transportation)	37.0	45.2	17.8

6 See Appendix for text of advocacy engagement and effectiveness.

responses where the subject responded to all five policy venue items were used to make the advocacy index items. The individual items for each index measure here were *highly* related according to conventional interpretation of internal consistency (Berman and Wang 2011).[7] Both index measures have 0 to 10 values, with higher values indicating the group is more engaged with advocacy and believes their activities to be effective. The mean value for indexed engagement and effectiveness variables were 3.99 and 3.70, respectively. Because compliance with detainers is a vital component for fulfillment of ICE's largest removal program, S-Comm (Chand 2019a; Farris and Holman 2017), we also specifically asked whether the ISO has ever advocated to a state or local law enforcement office not to honor an ICE detainer. Together, these advocacy questions makeup the dependent variables for the analysis in the following sections.

Among our most important independent variables was whether the groups have opted to use the H-election on their Form 990s, allowing them to formally lobby and maintain their 501(c)(3) status. Groups indicated whether "yes," they used the H-election option, "no" they did not, or they "don't know." Only 4.7% of respondents said their organization uses the H-election, and 63.3% said they do not. Tellingly, although not surprisingly, 32.1% of respondents reported not knowing whether the organization uses the H-election, confirming prior research indicating a lack of knowledge about the H-election by many managers (e.g., Berry and Arons 2003). We also asked several questions related to the organization makeup, sources of funding, and regarding the group's capacity to provide legal aid. Responses to these questions, along with responses to the H-election question, are presented in Table 2.

Groups were diverse in terms of size. Nearly a third consisted of five or fewer full or part-time employees; conversely, roughly an equal number reported having more than 30 employees. Most groups reported receiving some form of public funding: 66.6% reported occasionally or frequently receiving local or state funding and 53.5% received federal funding. This matches the findings of similar, but smaller and regional, surveys that found ISOs vary greatly in terms of size and most receive some forms of public funding from state and local or federal sources (Cordero-Guzmán 2005; Grantmakers Concerned With Immigrants And Refugees 2008). A notable minority (28.9%) of groups were involved with refugee resettlement. In terms of legal aid, 53.9% reported having in-house attorneys on staff; 87.9% reported having representatives registered with the BIA; and 52.3% were registered with EOIR. Each of these responses was turned into variables for the regression models in the following section.

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7 Cronbach alpha for advocacy engagement is 0.925 and advocacy effectiveness 0.884. The questions and items are presented in the Appendix.

Table 2: Percentages for responses.

	Percent
Use H-election option	
Yes	4.7
No	63.3
Don't know	32.1
Organization size	
5 or less employees	31.9
6 to 15	24.3
16 to 30	11.4
More than 30	32.4
Local or state funding	
Never	33.5
Occasionally	23.9
Frequently	42.7
Federal funding	
Never	46.5
Occasionally	20.5
Frequently	33.0
Weekly attorney hours	
0 (don't represent clients)	25.7
40 h or less	32.1
41–80 h	19.3
More than 80 h	22.9
Answered yes to (1/0):	
Refugees resettlement	28.9
Has in-house attorneys	53.9
BIA representatives	87.3
EOIR registered	52.3

Our regression models also include several interval-level variables. We asked groups to indicate how many in-house attorneys or BIA representatives they employed, assuming they answered yes to having any.[8] On average, groups employed roughly two attorneys and BIA-reps. Finally, we presented respondents with a list of 11 specific legal services, identified as important to helping individuals prevail in immigration removal proceedings and avoid having to go through removal hearings.[9] These services ranged from providing low-cost or pro bono legal aid to assistance with applying for T-Visas and U-Visas. Groups responded

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8 Groups that answered no were assigned a 0 value for both questions.
9 These legal services were additionally covered in smaller regional surveys of ISOs. See Grant-makers Concerned with Immigrants and Refugees (GMCIRs) (2008) and New York Immigrant Representation Study (NYIRS) (2011).

whether they "never", "occasionally", or "frequently" provided each service, used to create a "legal aid index" variable.[10] With 11 items total, the legal aid index captures a wide variety of legal services. We included this indexed measure in the models, testing the assumption that groups providing a range of legal aid services may be more likely to engage in advocacy. Summary statistics for each of the interval variables, including the indexed advocacy engagement and effectiveness dependent variables discussed earlier, are presented Table 3 below.

Table 3: Summary statistics for interval variables.

	Mean	SD	Min	Max	n
# In-house attorneys	2.04	4.47	0	40	221
# BIA-reps	1.93	1.82	0	10	221
Legal aid index	20.82	3.72	9	27	212
Advocacy engagement (indexed DV)	3.99	3.06	0	10	207
Advocacy effectiveness (indexed DV)	3.70	2.62	0	10	184

In the following section, we discuss the results of our analysis predicting ISO advocacy, with a particular focus on whether the group used the H-election.

5 Predicting Policy Advocacy

We use a mix of ordinary least squares (OLS) and logistic regressions to predict ISO policy advocacy engagement and effectiveness. Our OLS models use the advocacy index measures discussed in the previous section as dependent variables. Table 4, below, presents the results for both the advocacy engagement and advocacy effectiveness models. The table presents unstandardized coefficients, interpreted as the raw effect of a one-unit increase of the corresponding independent variable. Here, our H-election variable indicates a "yes" response to whether the group uses the option.[11] The results confirm our postulation, and prior research, regarding usage of the H-election. Groups that report using the H-election produce advocacy engagement and effectiveness values roughly 2.5 points higher on both 10-point

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10 Cronbach alpha for the 11 items is equal to 0.748. The question and the 11 legal aid items and the advocacy index items are presented in the Appendix.

11 We also ran the OLS models using two dummy variables: (1) to indicate "yes" responses and (2) "don't know" responses. This did not substantively change the results. The yes H-election dummy was statistically significant; don't know was not; and all the other variables behaved exactly the same.

Table 4: OLS models on advocacy engagement and effectiveness indexes.

	Advocacy engagement	Advocacy effectiveness
H-election (1/0)	2.51*** (0.97)	2.45*** (0.78)
Organization size	0.07 (0.23)	0.15 (0.20)
Refugee resettlement (1/0)	0.53 (0.53)	0.25 (0.45)
Local/state funding	0.73** (0.31)	0.87*** (0.27)
Federal funding	−0.02 (0.34)	−0.03 (0.30)
In-house attorneys (1/0)	−0.13 (0.57)	−0.18 (0.49)
BIA representatives (1/0)	0.05 (0.75)	0.56 (0.69)
EOIR registered (1/0)	−0.25 (0.44)	0.37 (0.39)
Attorney hours	−0.10 (0.28)	−0.03 (0.25)
# In-house attorneys	0.08 (0.06)	0.04 (0.05)
# BIA-reps	0.12 (0.15)	0.03 (0.12)
Legal aid index	0.02 (0.08)	0.07 (0.07)
Constant	1.61*** (1.60)	0.18*** (1.41)
R^2	0.15	0.24
F-stat	2.47***	3.88***
n	178	159

Cells present unstandardized coefficients with standard errors in parentheses. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

scales than other groups, holding all other factors constant. Surprisingly, none of the legal aid variables significantly predicts either advocacy engagement or effectiveness. Usage of local or state funding by groups is related to both engagement and effectiveness – but in the opposite direction of what one may expect. Every one-unit increase in the local or state funding Likert item produces a 0.73-point increase in advocacy engagement and 0.87 increase in advocacy effectiveness. The coefficients for federal funding are negative, but not statistically significant. The models explain 15% of the variation in ISO engagement with policymakers and 24% of advocacy effectiveness, based on R-squared values.

To determine whether the effect of H-election varied across specific policymakers, we have run ordered logistic regression models on the individual 3-point Likert items for each policymaker venue on the advocacy effectiveness items. Because the H-election allows groups to engage in advocacy to policymakers involved in creating "legislation," one may assume the effect of taking the H-election would not predict advocacy to policymakers in non-legislative venues, e.g., state and federal agencies, that play no role in passing statutory laws.[12]

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12 IRS lobbying limits do apply to chief executive offices (e.g., governor or White House) and city councils if the purpose is to influence "legislation." See IRS "Lobbying" definition: https://www.irs.gov/charities-non-profits/lobbying (accessed Nov. 10, 2019).

However, agencies, such as state transportation offices or the Federal U.S. Department of Health and Human Services, are tasked with implementing legislative programs affecting the lives of immigrants. As such, it is important to know whether ISOs reach policymakers in these venues.

Table 5 presents the ordered logit models, with odds ratios in substitution of coefficients. Values above one are interpreted as a positive effect of the independent variable, and values below one are negative. These ordered logits have the benefit of allowing us to examine each response to the policymaking venue items, including several cases where a respondent may have missed one or two items and,

Table 5: Order logits for policy advocacy effectiveness with specific policymakers.

	State legislators	Congress members	Local elected officials	Governor's office	State or fed agencies
H-election option					
Don't know	1.30 (0.49)	1.35 (0.49)	1.53 (0.54)	1.63 (0.65)	1.49 (0.54)
Yes	4.81** (3.67)	12.97*** (10.38)	4.90** (3.47)	9.81*** (8.00)	3.99** (2.68)
Organization size	1.27 (0.24)	1.12 (0.20)	1.23 (0.21)	1.05 (0.20)	1.01 (0.18)
Refugee resettlement (1/0)	1.31 (0.53)	1.08 (0.20)	0.85 (0.32)	1.36 (0.56)	1.11 (0.42)
Local/state funding	1.81** (0.44)	1.51* (0.36)	2.01*** (0.47)	1.92** (0.49)	2.17*** (0.52)
Federal funding	0.82 (0.23)	0.79 (0.21)	0.99 (0.25)	1.10 (0.30)	1.02 (0.26)
In-house attorneys (1/0)	1.00 (0.44)	0.72 (0.32)	0.78 (0.33)	0.67 (0.32)	1.01 (0.43)
BIA-reps (1/0)	2.12 (1.35)	1.11 (0.70)	1.48 (0.88)	1.49 (1.13)	3.15* (2.04)
EOIR registered (1/0)	1.17 (0.40)	1.25 (0.42)	1.34 (0.44)	1.04 (0.38)	1.14 (0.38)
Attorney hours	1.03 (0.23)	0.91 (0.20)	0.92 (0.19)	0.87 (0.21)	1.26 (0.27)
# In-house attorneys	1.07 (0.04)	1.08* (0.05)	1.03 (0.04)	1.03 (0.05)	0.99 (0.04)
# BIA-reps	0.89 (0.10)	1.02 (0.11)	1.08 (0.12)	1.04 (0.12)	0.92 (0.10)
Legal aid index	0.98 (0.06)	1.09 (0.07)	1.08 (0.06)	1.17** (0.08)	0.96 (0.06)
Cut 1	1.19 (1.26)	2.43 (1.27)	2.82 (1.22)	5.64 (1.53)	1.86 (1.24)
Cut 2	4.84 (1.33)	5.87 (1.35)	5.69 (1.30)	9.15 (1.65)	4.86 (1.30)
Pseudo R^2	0.10	0.10	0.12	0.14	0.10
LR Chi^2	28.06***	28.63***	40.94***	35.43***	29.73***
n	164	161	165	160	163

Cells present odds ratios (OR) with standard errors in parentheses. OR above one indicates a positive relationship and below one negative relationships. H-election variable is categorical with "no" responses serving as the reference group. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

thus, would not be included in the indexed variables used for the OLS models. Instead of a dummy variable, as used in the OLS models, we included the actual H-election responses here. The models below present the effect of both "yes" and "don't know" responses, with "no" responses as the reference category. For all five models, usage of the H-election is significantly predictive of whether the group believed their advocacy to policymakers was effective. The effect is particularly strong for advocacy to Congress and the governor's office. Groups using the H-election are nearly 13 times more likely to report policy advocacy effectiveness with members of Congress, in comparison to groups that do not use the option, according to the odds ratio (12.97). They are nearly 10 times (9.81) more likely to report advocacy effectiveness with the governor's office. Interestingly, groups using the H-election are even 3.99 times more likely to report advocacy effectiveness to public agencies. Again, this is a particularly noteworthy finding, as IRS rules and tax laws do not define advocacy to public agencies as "lobbying"; thus, groups do not need to file H-election paperwork to engage in agency-based advocacy. Groups choosing "don't know" in response to the H-election question do not report significantly different levels of advocacy effectiveness, in relation to groups who reported not using the option.[13]

The only other consistently significant variable for the ordered logit advocacy effectiveness models is the local and state funding variable, which produces a significant positive effect for all five models. There are a few other interesting takeaways. Groups registered with the BIA are three times more likely to report policy effectiveness with advocacy toward agencies. This would seem to make sense. The BIA, located in the U.S. Department of Justice (DOJ), is the highest administrative body for interpreting immigration laws (Chand and Schreckhise 2018). BIA accredited representatives can represent clients before the U.S. Department of Homeland Security (DHS) and in immigration court proceedings, which take place in the U.S. DOJ's Executive Office of Immigration Review. Thus, groups employing at least one BIA representative may be expressing advocacy effectiveness specifically within the DOJ and DHS. The legal aid index variable is significantly related to advocacy effectiveness with the governor's office, and the presence of in-house attorneys yields a significant effect in the Congress model. Overall, however, it appears the capacity of groups to provide legal aid to immigrants says little about their effectiveness as advocates for broader policy change. Legal aid affects immigrant clients on a case-level basis, as opposed to policy advocacy, which produces larger systemic changes. Legal aid ISOs may be focused

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13 Due to space considerations, we did not include the five Advocacy Engagement models here. However, the effect of answering "yes" to the H-election question was significant below 0.01 for two of the policy venues, below 0.05 for two, and below 0.1 for one (local elected officials).

more on a first-order benefit, making sure that individuals are represent in bond or removal hearings. Without this first level advocacy, policy advocacy will not make a difference if there are no immigrants left to help.

Finally, Table 6 reports the findings from our bivariate logit model predicting whether groups have ever requested that a law enforcement agency not honor ICE detainers. Again, responding "yes" to the H-election question yields the largest effect. Groups using the H-election are 8.78 times more likely to have lobbied law enforcement agencies, such as the county sheriff's office, to not comply with ICE detainers. As with the previous models, the local and state funding variable is significant again. Groups were 68% more likely to report lobbying a local law enforcement agency on ICE detainers for every individual unit increase in the local and state funding Likert item. The effect of federal funding is also significant, but negative. Every single unit increase in the federal funding item corresponds to a 41% decrease in the likelihood of advocacy to law enforcement agencies regarding ICE detainers.

Table 6: Logit for advocacy on ICE detainers.

	Law enforcement
H-election option	
Don't know	0.80 (0.31)
Yes	8.78*** (8.04)
Organization size	0.90 (0.17)
Refugee resettlement (1/0)	0.64 (0.27)
Local/state funding	1.68** (0.42)
Federal funding	0.59* (0.16)
In-house attorneys (1/0)	1.16 (0.52)
BIA reps (1/0)	1.03 (0.62)
EOIR registered (1/0)	0.80 (0.28)
Attorney hours	1.23 (0.27)
# In-house attorneys	1.05 (0.05)
# BIA-reps	0.95 (0.12)
Legal aid index	1.07 (0.07)
Pseudo R^2	0.13
LR Chi^2	30.25***
n	183

Cells present odds ratios (OR) with standard errors in parentheses. OR above one indicates a positive relationship and below one negative relationships. H-election variable is categorical with "no" responses serving as the reference group. ***$p < 0.01$, **$p < 0.05$, *$p < 0.1$.

6 Discussion and Conclusion

Immigrant-serving nonprofits (ISOs) are vital for political incorporation and integration of an underserved and marginalized population in the United States. These organizations provide a variety of services that allow them to engage in human service provision and advocacy efforts. Despite a lack of congressional action in providing comprehensive immigration reform, ISOs have steadily remained at the forefront of immigration issues. Our research sought to understand how ISOs engage in policy advocacy, in conjunction with their service provision activities. Previous research on nonprofit advocacy has yielded inconsistent explanations for when service groups take on advocacy as a secondary mission, and none have sought generalizable findings on ISOs.

This study makes several unique contributions to the nonprofit advocacy literature. One, it applies the broader nonprofit advocacy literature exclusively to ISOs. Two, unlike excellent regional examinations of advocacy by immigration groups, this study utilizes survey responses from groups across the United States, allowing for external generalizability. Three, it examines formal advocacy to specific policymaking venues, providing a nuance lacking in most prior studies. Here, we determine under what conditions ISOs advocate directly to specific policymakers.

For immigrant-rights advocates, there are both positive and negative points to take away from this study. On the positive, we find that the majority of ISOs report engaging in some form of advocacy to at least some policymakers. This may explain why legal-service groups in our study are no more likely to engage in advocacy, according to our regression models. On the other hand, it is concerning that a significant percent of ISO directors do not know what the H-election is, and the majority of directors (63.3%) report not using it. This finding does confirm prior studies on usage of the H-election (Berry and Arons 2003). Across all our models, ISOs who reported using the H-election option are more likely to engage in advocacy efforts and believe they are more effective in doing so. The effect of using the H-election is particularly strong for congressional advocacy (in Table 5), as groups using the option were nearly 13 times more likely to report successful advocacy experiences to members of Congress. This makes sense, as the H-election is primarily to cover formal legislative lobbying, although groups do use it to cover grassroots activities as well. ISOs might seek help through the constituency services of their local state representatives or Congressional Representatives while they are helping their clients with any of their immigration proceedings. ISOs help provide access to constituency services that immigrants might not readily understand how to access. This type of advocacy is a case level advocacy providing

individual benefits to one client, but in the long-term has the ability to provide structural change if used in the aggregate to address gaps in the systems for the immigrant community.

Clearly, some ISOs believe they are effective in their advocacy. Without this belief, it is unlikely that they will continue to engage in advocacy efforts. Of course, direct policy advocacy is not the only way to achieve change. In fact, Casey (2011) identifies Burnstein, Einwohner, and Hollander (1995) six levels of successful advocacy outcomes beginning with building access to policymakers for marginalized populations to achieving accepted structural change for the marginalized community. Additionally, Chin (2018) argues that exposing "important gaps in the system" to policymakers is an effective advocacy outcome (p. 40). Still, fundamental change, e.g., a pathway to legal residence for undocumented immigrants, typically requires legislation. ISO policy advocacy is necessary to achieve such large structural change. ISOs can advance legal and procedural immigration knowledge that policymakers use when addressing the problems facing U.S. immigrants. Although this research was not able to provide insights into coalition efforts, achieving structural change and exposing important gaps in the system is aided through coalition building and networking among ISOs.

Possibly, our most important finding is the effect of the H-election status on policy advocacy to law enforcement agencies. We provided an analysis into one of the most controversial and politically motivated policies that is most proximate to immigrants – local law enforcement compliance with ICE detainers. In comparison to groups that reported not using the H-election, ISOs that did were almost 9 times more likely to lobby local law enforcement agencies to decline compliance with ICE detainers. ICE detainers request law enforcement agencies to deny bond to immigrants or hold them past their release date in order that they be transferred into ICE custody. Policies against compliance with ICE detainers ensure that immigrants who pose no real security threat but might end up interacting with the criminal justice system will not end up in federal detention and deportation proceedings. Such policy advocacy can be a strategic tactic where the nonprofit community is bridging trust and influencing the co-production of community safety by voicing concerns of the immigrant community to local law enforcement. With increased detentions and deportations through ICE's Secure Communities program (Chand and Schreckhise 2018), and the expansion of detainment parameters to include immigrants accused of crimes without conviction, this local policy advocacy is critical to helping protect immigrants and reducing future caseloads for ISOs.

Previous research on nonprofit advocacy yields inconsistent findings regarding the effect of public funding. Here, our local and state funding variable remains a consistent indicator of policy advocacy. This finding suggests non-

federal funding could help create paths for insider tactics that allow ISOs to provide information for policymakers that would be unavailable to them otherwise. It is also possible that ISOs who receive most of their public support from state or local sources feel more comfortable advocating to federal policymakers (e.g., member of Congress) because there is less fear of losing their public funding, since it is not federal. The professionalization measures did not significantly explain advocacy across any models. We expected that larger ISOs would be most likely to engage in advocacy by having the ability to expend attorneys or BIA reps. However, organization size did not influence ISOs decision to advocate.

Of course, our survey uses a self-assessment of advocacy engagement and effectiveness, and it always possible the subject's perception of the group's engagement and effectiveness is imprecise. However, widely cited and influential works on policy advocacy have used similar self-assessment measures (e.g., Baumgartner et al. 2009; McKay 2012). It is also important to remember that perception of success is vital to continued advocacy efforts (MacIndoe and Beaton 2019; Tarrow 1994). This is particularly true for ISOs, where federal comprehensive immigration reform remains a goal. Finally, most ISO directors responded to our survey anonymously; thus, we are unable to discuss how regional political environments might affect the way that ISOs advocate. In states with more welcoming environments, ISOs might be able to engage in different tactics or take on more confrontational approaches compared to states with hostile environments, where ISOs may be concerned that advocacy could create negative perceptions and potentially risk tax status, among other things. This is a question to explore in future studies.

This study contributes to the evolving nonprofit advocacy literature by examining the underexplored topic of policy advocacy by ISOs. Thus, it expands the current literature to a highly polarized policy area where human service nonprofits are often the final line of defense for a vulnerable population.

Appendix: Survey Index Measures and Internal Consistency Tests

Please indicate below how often your organization advocates policy positions to the following groups of policymakers.

Cronbach alpha = 0.925

Choices with coded values in parentheses: Never (1), Occasionally (2), Frequently (3)

Policymakers	Mean (S.D.)
Local elected officials	1.93 (0.71)
State legislators	1.85 (0.67)
Members of Congress	1.81 (0.70)
The Governor's office	1.60 (0.68)
Local, state, federal agencies	1.81 (0.72)

Advocacy Effectiveness Index

If your organization engages in advocacy with any of the following organizations, how effective is your advocacy?
   Cronbach alpha = 0.884
   Choices with coded values in parentheses: Never (1), Occasionally (2), Frequently (3)

Policymakers	Mean (S.D.)
Local elected officials	1.99 (0.70)
State legislators	1.67 (0.62)
Members of Congress	1.79 (0.60)
The Governor's office	1.51 (0.59)
Local, state, federal agencies	1.77 (0.65)

Legal Aid Index

Below is a list of legal services often provided to immigrants by nonprofits. Please indicate how often your organization provides these services:
   Cronbach alpha = 0.748
   Choices: Never (1), Occasionally (2), Frequently (3)

Legal services:
–   Low Cost or Pro Bono Legal Services
–   Assistance Filing Out Legal Forms (e.g., Residency Paperwork)
–   Assistance with Asylum Applications
–   Provide "Know Your Rights" Lessons/Trainings
–   Assistance with Finding Pro Bono or Low-Cost Attorneys (Which Includes Representing Clients Directly)
–   Representation for Immigrants in Removal

- Applying for Family Based Visas
- Applying for Temporary Protected Status Applying for Naturalization or Permanent Residences
- T-Visa or U-Visa
- Provide Financial Aid to Individuals Unable to Afford Application Filing Fee

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