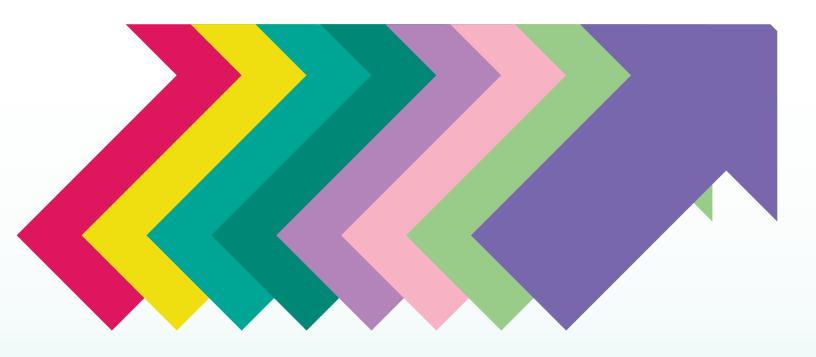
FUNDERS FOR LGBTQ ISSUES - SPECIAL REPORT



# PATHWAYS FORWARD

FOUNDATION FUNDING FOR LGBTO IMMIGRATION ISSUES

BY DANILO MACHADO AND BEN FRANCISCO MAULBECK JULY 2014





# PATHWAYS FORWAR



LGBTO IMMIGRANT RIGHTS ARE MAKING PROGRESS ...



1990

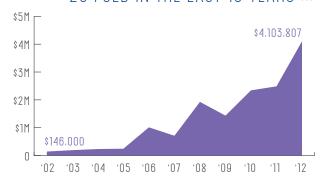
BAN ON IGRT PEOPLE ENTERING THE U.S. IS LIFTED.

2008

BAN ON HIV-POSITIVE PEOPLE ENTERING THE U.S. IS LIFTED.

THE UNITED STATES V. WINDSOR DECISION RESULTS IN LGBTQ CITIZENS BEING ABLE TO SPONSOR IMMIGRANT SPOUSES OF THE SAME SEX FOR A GREEN CARD

... AND FUNDING FOR LGBTO IMMIGRATION IS GROWING. HAVING INCREASED MORE THAN 20 FOLD IN THE LAST 10 YEARS ...



EVEN SO, LESS THAN ONE HALF OF ONE PERCENT OF ALL IMMIGRATION FUNDING SPECIFICALLY TARGETS LGBTO IMMIGRANTS.



THERE ARE AN ESTIMATED 904,000 LGBT IMMIGRANTS IN THE UNITED STATES. AT LEAST **ONE IN TEN LGBT ADULTS** IN THE U.S. WAS BORN ABROAD.



BUT MANY LGBTO IMMIGRANTS ARE STILL LIVING IN THE SHADOWS. NEARLY A THIRD OF ALL LGBT ADULT IMMIGRANTS IN THE U.S. ARE UNDOCUMENTED.



IF DETAINED, LGBTO IMMIGRANTS FACE ESPECIALLY HARSH CONDITIONS. WHEN INCARCERATED, TRANSGENDER INDIVIDUALS ARE 13 TIMES MORE LIKELY TO BE SEXUALLY ASSAULTED.

APPROXIMATELY 40 PERCENT OF COUNTRIES CRIMINAL 17F LGBTO PEOPLE. LEADING MANY **PEOPLE** TO FIFF THEIR COUNTRIES OF ORIGIN.



FORTUNATELY, THERE ARE A RANGE OF LGBTO, IMMIGRANT, AND ALLIED ORGANIZATIONS WORKING TO ADDRESS THE NEEDS OF LGBTO IMMIGRANTS AND ASYLUM SEEKERS THROUGH BOTH ADVOCACY AND SERVICES. NATIONAL ADVOCACY ORGANIZATIONS RECEIVE THE LARGEST SHARE OF FUNDING:

NATIONAL POLICY ADVOCACY 88%

STATE AND LOCAL ADVOCACY 9%

DIRECT SERVICES AND ASSISTANCE 3%

CURRENTLY. MORE THAN **90 PERCENT** OF LGBTO **IMMIGRATION FUNDING COMES** FROM THE TOP TEN FUNDERS.

- FORD FOUNDATION
- 2. **ANONYMOUS FUNDERS**
- **ARCUS FOUNDATION 3**.
- 4. GILL FOUNDATION
- 5. M.A.C AIDS FUND
- 6. EVELYN & WALTER HAAS, JR. FUND
- **7**. **FOUR FREEDOMS FUND**
- **VITAL PROJECTS FUND**
- 9. H. VAN AMERINGEN FOUNDATION
- 10. DAVID BOHNETT FOUNDATION

#### FUNDERS CAN HELP IMPROVE THE LIVED EXPERIENCE OF LGBTO IMMIGRANTS BY:



Fund advocacy and coalition-building around LGBTQ/ **Immigration** issues for the long term.



Support and develop LGBTQ immigrant leaders.



Strengthen state and local LGBTQ immigration advocacy.



Strengthen agencies and networks serving LGBTQ asylum seekers and immigrants.



Increase LGBTQ cultural competence of immigration service systems.



Provide financial assistance for immigration applications.

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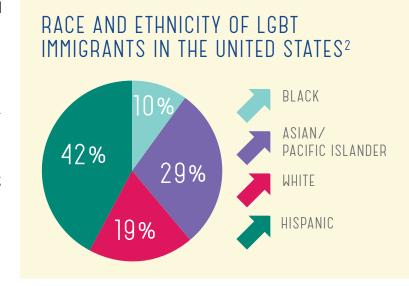
# INTRODUCTION

For most of the twentieth century, anyone who openly identified as gay, lesbian, bisexual, or transgender (LGBT) was banned from immigrating to the United States. HIV-positive people were also barred from entry. Until 2013, the immigration system denied recognition of LGBT families: the so-called Defense of Marriage Act (DOMA) prevented gay, lesbian, and bisexual U.S. citizens from sponsoring their same-sex partners for permanent residence.

Slowly, over the past three decades, all of that has changed. The ban on LGBT people was repealed in 1990, and the ban on people living with HIV was lifted in 2008. In 2013, the U.S. Supreme Court's *Windsor* decision overturned part of DOMA, recognizing the legitimacy of binational same-sex couples, ending years of separation and uncertainty for tens of thousands of couples.

But the pathway to equality and basic quality of life is still hard for the vast majority of LGBT immigrants in the U.S., who now number an estimated 904,000.¹ By comparison, New York State is home to roughly 575,000 "out" LGBT adults.³ In fact, more than a tenth of the nearly nine million "out" LGBT adults in the U.S. are immigrants.⁴

Nearly one-third of LGBTQ immigrants are undocumented. This double minority faces a double closet, a double coming out, and layered challenges. Their identities carry tangible and intangible consequences. From educational opportunity to basic health care, their pathway is one riddled with obstacles and dead ends.



The United States has also become a destination for LGBTQ asylum seekers from around the world, who come here fleeing persecution in their home countries. These LGBTQ asylum seekers also have unique needs often unaddressed by the immigration and asylum system.

LGBTQ undocumented immigrants and asylum seekers would see enormous benefit from comprehensive reform of the U.S. immigration system. Queer undocumented leaders have been among the leading advocates for such policy reforms at both the state and national levels. Alliances between LGBTQ communities and immigrant communities have proved a powerful vehicle for advancing social change in a number of contexts.

It is a period of both progress and uncertainty for LGBTQ and immigrant communities. This report provides a brief snapshot of the unique needs facing LGBTQ immigrants at this crucial moment. It provides an overview of the current state of funding for LGBTQ immigration issues, and of the varied ecology of organizations addressing LGBTQ immigration issues. Finally, it offers recommendations for funders as we look for a pathway forward.

<sup>1</sup> Gary J. Gates, "LGBT Adult Immigrants in the United States." The Williams Institute, 2013. http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf

<sup>2</sup> Gates, "LGBT Adult Immigrants."

<sup>3 &</sup>quot;LGBT Populations." Movement Advancement Project, 2013. www.lgbtmap.org

<sup>4</sup> Gates, "LGBT Adult Immigrants."



## LGBTQ UNDOCUMENTED IMMIGRANTS

Nearly a third of all LGBT adult immigrants in the U.S. are undocumented. These 267,000 undocumented LGBT immigrants must navigate two separate but similarly complex identities, often living in a double closet and facing unique challenges when their identities intersect.<sup>5</sup> In particular, because of their undocumented status, these LGBTQ immigrants often face significant barriers to attaining education, employment, health care, and other necessities.



## RECOMMENDED RESOURCES

Dignity Denied: LGBT Immigrants in U.S. Immigration Detention (2013) By Sharita Gruberg A report from Center for American Progress Available at http://www.americanprogress.org/issues/immigration/report/2013/11/25/79987/dignity-denied-lgbt-immigrants-in-u-s-immigration-detention/

Living in Dual Shadows: LGBT
Undocumented Immigrants (2013)
By Carol Burns, Ann Garcia, and Philip E. Wolgin
A report from Center for American Progress
Available at http://www.americanprogress.org/
issues/immigration/report/2013/03/08/55674/
living-in-dual-shadows/

EDUCATION: Undocumented students face many barriers in higher education. Financially, they are ineligible for most scholarships and sources of aid. In most states, they are barred from paying the in-state tuition rate, sometimes being classified as "international students." A few states even bar them from attending certain institutions entirely. Furthermore, undocumented students often lack support in the college process, with high school guidance counselors often lacking the cultural competence or knowledge of resources to assist undocumented students.

ed that at least one in five undocumented adults live in poverty compared to one in ten U.S.-born adults. <sup>6</sup> Many LGBTQ immigrants cannot find employment due to their legal status or to discrimination. LGBTQ immigrants who lack familial support sometimes encounter the added burden of living on the streets, and as such are driven to the margins of the formal economy. Undocumented immigrants who are able to find employment make on average 28 percent less than the average American—or, put in other terms, 72 cents on the dollar.<sup>7</sup>

HEALTH CARE: More than half of adult undocu-

mented immigrants lack health care insurance<sup>8</sup>, compared to only about 15 percent of the general population. While the Affordable Care Act is rapidly expanding health insurance coverage for much of the U.S. population, the Act explicitly excludes undocumented immigrants. This lack of insurance is especially concerning for LGBTQ immigrants, who must often overcome stigma to attain health care, are often at greater risk for HIV and other diseases, and often face challenges related to mental health and substance abuse.

6

<sup>5</sup> Crosby Burns, Ann Garcia, Philip E. Wolgin, "Living in Dual Shadows: LGBT Undocumented Immigrants." Center for American Progress, 2013.

<sup>&</sup>quot;Portrait of Unauthorized Immigrants." Pew Hispanic Center, 2009.

<sup>7 &</sup>quot;Portrait of Unauthorized Immigrants." Pew Hispanic Center, 2009.

<sup>8 &</sup>quot;Portrait of Unauthorized Immigrants."

# HIGHLIGHTS OF LGBTO IMMIGRANT RIGHTS

2013

Immigration Act bars "homosexuals" from entry to U.S., along with "illiterates" and "Asiatics." 1965 Immigration and Nationality Act affirms ban on "sexual deviants." Immigration Act rescinds language banning LGBT people from entering the country. 1993 Congress bans HIV-positive people from entering the country. First successful asylum case based on persecution on the basis of sexual orientation. 1996 Defense of Marriage Act passes, assuring that even if same-sex couples attain legal recognition at the state level, the federal government will not recognize their relationship for the purposes of immigration. 2000 First successful asylum case based on persecution on the basis of gender identity. The DREAM (Development, Relief, and Education for Alien Minors) Act is first introduced in the U.S. Senate. Over the next decade, the "Dreamers" eligible for legalization under the Act-many of them LGBTQ-identified—become some of the most visible activists for immigrant rights. Since its introduction, the DREAM Act has been brought to Congress numerous times without passing, most notably in 2010, when it passed the House of Representatives, but fell five votes short in the Senate. Ban on HIV-positive people entering the U.S. is repealed.

United States v. Windsor strikes down Section 3 of the Defense of Marriage Act, allowing

U.S. citizens to sponsor an immigrant spouse of the same sex for the first time.

## WHAT'S THE DIFFERENCE BETWEEN A REFUGEE AND AN ASYLUM SEEKER?

Both asylum and refugee status may be granted to people who have been persecuted on account of race, religion, nationality, political opinion, or membership in a particular social group--such as sexual orientation or gender identity. Refugee status may only be sought from outside the United States, while you may apply for asylum from within the U.S. regardless of current immigration status. LGBTQ refugees face challenges in re-settling in the U.S. but by definition already have a legal status; LGBTQ asylum seekers face the additional difficulty of an uncertain legal status as they go through the asylum process.

### LGBTQ ASYLUM SEEKERS

Consensual sex between adults of the same sex is still criminalized in over 80 countries as of 2014. While there are a host of reasons an LGBTQ person might choose to immigrate to the United States, in some cases it is simply to escape harsh criminal and social penalties, incarceration, or even death. With increasing persecution of LGBTQ people in countries such as Russia and Uganda, the need for asylum is particularly acute. Immigration Equality has reported an increase of 20 percent in asylum inquiries since mid-2013, including a 143-percent increase in inquiries from Uganda.

Under current U.S. law, asylum seekers must file within one year of their last arrival into the U.S., and, according

to Immigration Equality, this arbitrary deadline often prevents even the most qualified candidates from filing and, is the number one reason, that prevents them from gaining asylum. The deadline is often particularly challenging for LGBTQ asylum seekers, who come to the U.S. from political contexts where they have been persecuted on the basis of their sexual orientation or gender identity; as such, it may take them some time to understand that those very same identities could provide grounds for attaining asylum.

Since asylum seekers come to the U.S. fleeing persecution, many arrive with few or no financial resources. As newcomers to the country, they often have few connections—and even if they have family or friends in the U.S., they may be isolated from them due to homophobia or transphobia. With such high-levels of isolation and such minimal resources, it is difficult for asylum seekers to attain legal assistance or to navigate the bureaucratic complexities of filing for asylum. Even for those who do manage to file an application, they must wait at least 180 days before they are legally permitted to work. Their legal status makes it difficult not only to attain income but also housing, health care, and other basic necessities. Indeed, asylum seekers are barred from receiving services supported by funds from the federal government and most state governments. In addition, many LGBTQ asylum seekers are recovering from trauma-related illnesses (e.g., post-traumatic stress disorder) and are in need of culturally competent counseling and other health services.

#### **DETENTION**

United States immigration officials placed an estimated 429,000 individuals in detention centers in 2011 —which is roughly equivalent to detaining the entire city of Atlanta or Miami.<sup>9</sup> Over the past decade, an estimated 3 million people have spent time in U.S. immigration detention centers. These detention centers often offer especially harsh treatment for LGBTQ detainees:

• HIV-positive people and transgender people are often denied medically necessary health care in detention.

John Simanski and Lesley M. Sapp, "Immigration Enforcement Actions 2011." United States Immigration and Customs Enforcement, 2012.

- Transgender detainees are often placed in gender-segregated facilities that do not match their gender identities.
- Incarcerated transgender individuals are 13 times more likely to be sexually assaulted.10
- LGBT people are often placed in solitary confinement to protect them from harassment by other detainees, creating another layer of mistreatment.

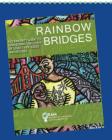
Unlike in the criminal court system, in the immigration court system there is no legal right to legal representation. Because being in detention makes it more difficult to obtain legal services, LGBTQ asylum seekers in detention are more likely to lack access to the asylum system, and as a result may be sent back to countries where they will be subject to imprisonment, torture, or execution.

#### BINATIONAL SAME-SEX COUPLES

As a result of the *United States v. Windsor* decision striking down Section 3 of DOMA, many of the 24,700 non-citizens in binational same-sex couples have been able to seek permanent residence for the first time. However, the spirit of that ruling and the letter of the law may at times still be at odds. For example, binational couples living in states without marriage equality may face difficulties getting the marriage license they need in order to begin the path toward legal residence. This is particularly a challenge in border states, where checkpoints are numerous, making it hard for couples to travel to a state that does have marriage equality. Also, couples separated by deportation before *Windsor* are currently still barred from re-entry.

## WHAT'S HAPPENING AT THE BORDER?

The past several years have seen a rapid rise in the number of unaccompanied migrant children crossing the Southern border of the U.S. Most of these minors are fleeing pervasive gang violence in El Salvador, Guatemala, Honduras, and Mexico. The United Nations High Commissioner for Refugees estimates that 58 percent of these children were forcibly displaced and warrant international protection. Though less widely reported, there has also been a rise in adults from Central America and Mexico seeking asylum at the border. When violence and exploitation are widespread in societies, vulnerable minorities such as LGBTQ people are often disproportionately affected. While a comprehensive study has yet to be conducted, anecdotal reports from journalists and service providers indicate that a number of the migrants and asylum-seekers at the border are LGBTQ and face unique harms related to homophobia and transphobia.



## RECOMMENDED RESOURCES

Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees (2012)

A report from the Organization for Refuge, Asylum and Migration (ORAM) Available at: http://www.oraminternational.org/images/stories/PDFs/oram-rainbow-bridges-2012-web.pdf

The Surge in Arrivals of Unaccompanied Immigrant Children: Recommendations for Philanthropic Response A report from Grantmakers Concerned with Immigrants and Refugees (GCIR) Available at: https://www.gcir.org/sites/default/files/resources/GCIR%20UAC%20 Crisis%20-%20commendations%20for%20 Philanthropy%20June%202014%20FINAL.pdf

Valerie Jenness, Ph.D., Cheryl Maxson, Ph.D., Kristy N. Matsuda, M.A., & Jennifer Macy Sumner, M.A., "Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault." University of California, Irvine, 2007. http://ucicorrections.seweb.uci.edu/2007/04/14/violence-in-california-correctional-facilities-an-empirical-examination-of-sexual-assault-3/



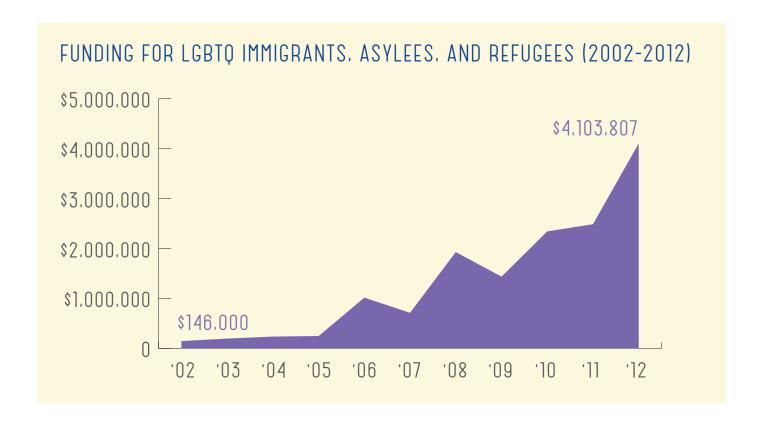
## LGBTQ IMMIGRATION FUNDING: OVERVIEW AND CONTEXT

U.S. foundation funding for LGBTQ immigrants, refugees, and asylees around the globe has historically been modest, only recently exceeding \$1 million annually. Nevertheless, it has grown rapidly—from barely \$150,000 in 2002 to more than \$4 million in 2012—an increase of more than 20-fold in just a decade. These figures include funding for LGBTQ immigrants in the U.S. as well as funding for LGBTQ refugees and migrants internationally.

Looking only at domestic funding for LGBTQ immigrants—the primary focus of this report—foundation funding specifically targeting LGBTQ immigrants in the U.S. totaled \$4.6 million in 2011-2012.

This constitutes approximately 2.4 percent of the total \$196 million in domestic LGBTQ funding for 2011-2012.

According to the Foundation Center, 2011 foundation funding for immigrants in the U.S. totaled \$275 million.<sup>11</sup> That same year, \$1.5 million was awarded for LGBTQ immigration issues in the U.S., constituting one half of one percent of the year's immigration funding.



<sup>&</sup>quot;Foundation Stats," The Foundation Center, 2013. http://data.foundationcenter.org/

## TOP TEN LGBTQ IMMIGRATION FUNDERS (2011-2012)

- 1. FORD FOUNDATION \$1,200,000
- 2. ANONYMOUS FUNDERS \$1,100,000
- 3. ARCUS FOUNDATION \$730,000
- 4. GILL FOUNDATION \$395,000

- 5. M.A.C. AIDS FUND \$350,000
- 6. EVELYN & WALTER HAAS, JR. FUND \$246,000
- 7. PUBLIC INTEREST PROJECTS - FOUR FREEDOMS FUND \$215.000

- 8. VITAL PROJECTS FUND \$100.000
- 8. H. VAN AMERINGEN FOUNDATION \$100.000
- 10. DAVID BOHNETT FOUNDATION \$85,000

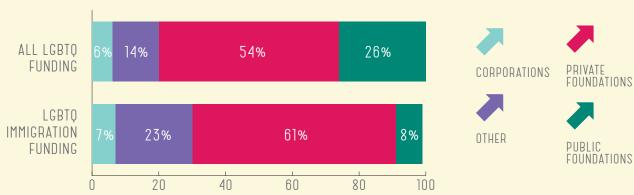
## TOP TEN LGBTQ IMMIGRATION GRANTEES (2011-2012)

- 1. IMMIGRATION EQUALITY \$1,282,022
- 2. POLITICAL RESEARCH ASSOCIATES \$1.200.000
- 3. HEARTLAND ALLIANCE FOR HUMAN NEEDS & HUMAN RIGHTS \$1.140.000
- 4. NATIONAL CENTER FOR LESBIAN RIGHTS \$246,000

- 5. NATIONAL IMMIGRATION LAW CENTER (FOR THE QUEER UNDOCUMENTED IMMIGRANTS PROJECT) \$125.000
- 6. COLORADO IMMIGRANT RIGHTS COALITION \$60.000
- 6. PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA \$60.000

- 6. ONE COLORADO EDUCATION FUND \$60.000
- 9. EQUALITY MARYLAND FOUNDATION \$50,000
- 9. LIBERTY HILL FOUNDATION \$50.000
- 9. CAUSA OF OREGON \$50.000
- 9. PUBLIC INTEREST PROJECTS \$50,000

#### SOURCES OF FUNDING BY FOUNDATION TYPE (2011-2012)



## SOURCES OF LGBTQ IMMIGRATION FUNDING

More than 90 percent of LGBTQ immigration funding came from the top ten funders alone. Generally, the top funders of LGBTQ immigration issues—the Arcus Foundation, the Ford Foundation, the Gill Foundation, and The Evelyn & Water Haas, Jr. Fund—are the same foundations that top the list of funders for the LGBTQ movement overall.<sup>12</sup> The most notable exception is the M.A.C. AIDS fund, which is number five on the list of LGBTQ immigration funders but is not among the top ten funders of LGBTQ issues overall.

Private foundations provide 61 percent of all foundation funding for LGBTQ immigration issues. This is an even larger share than the 54 percent of funding that private foundations provide for LGBTQ funding overall. Community foundations and other public foundations provide a smaller share of funding for LGBTQ immigration issues than they do for LGBTQ funding overall, while corporate funders provide a larger share.



## RECOMMENDED RESOURCES

Immigration Equality Asylum Manual (2006)

A report from Immigration Equality

Available at: https://immigrationequality.org/issues/law-library/lgbth-asylum-manual/

Immigration Law and the Transgender Client (2008)

by Victoria Neilson and Kristina Wertz A book commissioned by Immigration Equality and Transgender Law Center

Available at: https://immigrationequality.org/issues/law-library/trans-manual/

<sup>&</sup>quot;2012 Tracking Report: Lesbian, Gay, Bisexual, Transgender & Queer Grantmaking by U.S. Foundations." Funders for LGBTQ Issues, 2013. http://www.lgbtfunders.org/files/2012\_Tracking\_Report\_Lesbian\_Gay\_Bisexual\_Transgender\_and\_Queer\_Grantmaking\_by\_US\_Foundations.pdf



# THE ECOLOGY OF ORGANIZATIONS ADDRESSING LGBTQ IMMIGRATION ISSUES

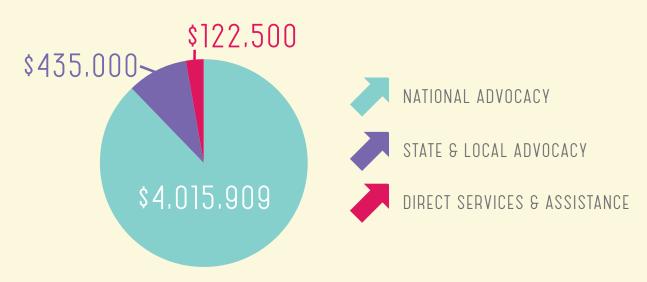
A range of organizations are working to address the needs of LGBTQ immigrants and asylum seekers in the U.S. Organizations working on LGBTQ immigration largely focus on one of three areas: (1) national policy advocacy; (2) state and local advocacy; and (3) direct services and assistance for LGBTQ immigrants.

National advocacy organizations constitute the most well-resourced and developed portion of the LGBTQ immigration civic sector, capturing about \$4 million, or more than 80 percent of domestic foundation funding. It should be noted that some of these national organizations, such as Immigration Equality and the National Center for Lesbian Rights, also litigate or offer legal services, but the foundation funding they receive is primarily for their advocacy work.

By comparison, state and local advocacy efforts received \$435,000, and service providers captured only \$122, 500. These portions of the sector are less well-resourced and have wider gaps, but nevertheless offer significant assets for funders to build upon.

This section provides an overview of the varied "ecology" of organizations working to address LGBTQ immigration issues at all three of these levels.

## DOMESTIC LGBTQ IMMIGRATION FUNDING. BY STRATEGY AND GEOGRAPHIC FOCUS (2011-12)



# INFRASTRUCTURE FOR NATIONAL ADVOCACY ON LGBTQ/IMMIGRATION ISSUES

#### ASSETS TO BUILD ON

- Small but potent set of organizations specifically focused on advocating for LGBTQ immigrants
- Wide range of organizations advocating from both the LGBTQ and immigrant perspectives, particularly through legislative advocacy and litigation
- Many LGBTQ undocumented activists who have become visible and effective leaders, spokespeople, and connectors in a range of movements

#### GAPS AND CHALLENGES

- Danger of "issue fatigue" from both donors and allied advocates.
- Grassroots organizing and awareness-raising efforts are relatively under-resourced.

NATIONAL LGBTO IMMIGRANT ADVOCACY ORGANIZATIONS: A handful of organizations have a core focus specifically on advancing policies that will improve the lives of LGBTQ immigrants. The largest and most visible of these organizations is Immigration Equality, which was a vocal advocate for immigration reform inclusive of binational couples. Since *Windsor*, Immigration Equality has continued to advocate for immigration legislation and executive action that will address the unique needs of LG-BTQ asylum seekers and LGBTQ people in detention.

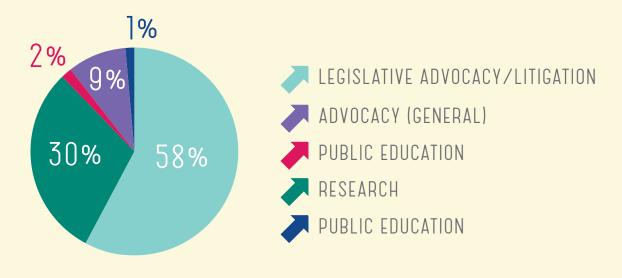
At the international level, the Organization for Refuge, Asylum, & Migration (ORAM), has played a leading role in educating and training non-governmental organizations and governments to be more inclusive and responsive to the needs of LGBTI refugees and asylum seekers. The International Gay & Lesbian Human Rights Commission (IGLHRC) has produced research and documentation of human rights abuses of LGBTI people around the world, providing essential supporting evidence for the claims of asylum seekers in the U.S. and elsewhere.

A number of smaller organizations rooted in LGBTQ immigrant communities in the U.S. have also led significant advocacy campaigns around LGBTQ immigration issues, with notable examples including the National Queer Asian Pacific Islander Alliance (NQAPIA), the Queer Undocumented Immigrant Project (QUIP), and the Trans Latin@ Coalition. Often these groups have local chapters or affiliates, and as such they have been able to play an important role in bridging national advocacy efforts with local groups, leaders, and constituents.

ALLIED ORGANIZATIONS: Several leading national LGBTQ advocacy organizations have integrated immigration issues into their policy agendas. For example, GetEqual has made immigration reform a core priority for its grassroots

movement-building and direct actions. The National Gay and Lesbian Task Force (NGLTF) has been a strong voice for immigration reform, participating in the Coordinating Committee of the Alliance for Citizenship and featuring immigrant rights prominently at its Creating Change conference. The National Center for Lesbian Rights has litigated for LGBTQ people facing immigration challenges and has also helped raise awareness around how immigration affects LGBTQ communities. Other examples include the American Civil Liberties Union (ACLU),

## LGBTO IMMIGRATION FUNDING FOR NATIONAL ADVOCACY. BY STRATEGY FUNDED (2011-2012)



GLAAD, the Gay Straight Alliance (GSA) Network, Lambda Legal, the National Center for Transgender Equality, and Transgender Law Center, all of which have spoken out for immigration reform and immigrant rights.

Similarly, several national immigration, social justice, and human rights advocacy organizations have begun to address LGBTQ issues. Examples include the League of United Latin American Citizens (LULAC), The Mexican American Legal Defense and Education Fund (MALDEF), National Council of La Raza, Center for Community Change, Human Rights First, and the National Immigration Law Center (NILC).

In addition, progressive think tanks such as the Center for American Progress, Political Research Associates, and the Williams Institute have provided invaluable research on LGBTQ immigrants and the policies that affect them.

QUEER UNDOCUMENTED LEADERSHIP: Across a range of organizations, a number of young LGBTQ undocumented activists have emerged as visible and effective leaders. Many of these leaders became active through the undocumented youth or "Dreamers" movement, which initially focused on advocating for the DREAM act, a federal bill that would create a conditional path to citizenship for undocumented immigrants who originally entered the country as minors. Over the past decade, the movement has grown in scale, and undocumented youth have become some of the most visible advocates for immigrant rights. Many of the Dreamers identify as LGBTQ, and have intentionally come out publicly as both queer and undocumented, placing them in a unique position to serve as spokespeople and natural bridge-builders across the LGBTQ and immigrant rights movements. Queer undocu-

## WHAT IS DACA?

DACA stands for Deferred Action for Childhood Arrivals, an administrative relief program for undocumented immigrants who came to the U.S. before the age of 16 and meet other requirements. For those who receive it, DACA provides work authorization and defers deportation for two years. As of early 2014, more than 600,000 people have received DACA. Those who applied when the program was first announced in summer 2012 must now re-apply.<sup>13</sup>

mented immigrants are now found in a number of leader-ship positions—not only in explicitly LGBTQ immigrant programs such as QUIP, but also in LGBTQ organizations such as GetEqual and in immigration advocacy networks such as Immigrant Youth Coalition and United We Dream. Programs such as the Queer Dream Summer National Internship Program and the Pipeline Project for LGBTQ leaders of color offer potential vehicles to further develop queer immigrant leaders.

GAPS AND CHALLENGES: National advocacy for LGBTQ immigrant rights has become more prominent in recent years due to a concerted effort on the part of funders and

leading organizations across the LGBTQ and immigrant rights movements. With immigration reform currently stalled in Congress, there is a danger of "issue" fatigue for both funders and allied leaders.

A number of national organizations working on LGBTQ immigration issues have a high capacity for legislative advocacy and litigation. Capacity and resources are less developed for other advocacy strategies, such as grassroots organizing and public education. With media coverage of immigration issues often lopsided, there is a real need to offer counter-narratives and lift up positive stories of LGBTQ immigrants. One model for this work is found in Cuéntame, a project of Brave New Films which has used short videos and other social media to disseminate stories of immigrants, including LGBTQ immigrants.

# INFRASTRUCTURE FOR STATE AND LOCAL ADVOCACY ON LGBTQ/IMMIGRATION ISSUES

#### ASSETS TO BUILD ON

- In some states, LGBT equality organizations or immigrant rights organizations have effectively advocated at the intersections of the two issues.
- At the local level, grassroots groups rooted in LGBTQ immigrant communities have the potential to serve as bridges and spokespeople on LGBTQ immigrant rights.

#### GAPS AND CHALLENGES

- The policy context of many states is fairly conservative, with high resistance to LGBTQ and immigrant rights and, in some cases, active efforts to curtail the civil rights of both communities.
- Many states are home to only a handful of advocacy organizations addressing LGBTQ issues or immigrant rights, which are often under-resourced and stretched to capacity.

<sup>&</sup>quot;Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2014." United States Citizenship and Immigration Services, March 2014. http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/1821d\_daca\_fy2014qtr2.pdf

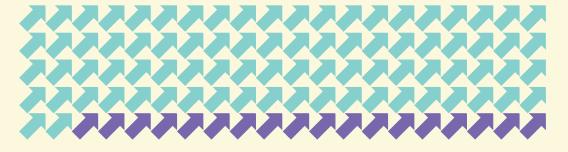
STATE ADVOCACY ORGANIZATIONS AND COALITIONS: In some states, state-level LGBTQ, Latino, or immigrant advocacy organizations have effectively advanced policies that benefit LGBTQ immigrants. In Oregon, Basic Rights Oregon, the state LGBT equality organization; Causa, the state Latino immigrant advocacy organization; and Western States Center, a broad progressive organization, have all worked in coalition to advocate for issues ranging from immigrant rights to marriage equality. Similarly, Colorado has seen effective advocacy for LGBTQ immigrants on the part of both the Colorado Immigrant Rights Coalition and One Colorado. Progressive Leadership Alliance of Nevada has also advocated for both LGBTQ equality and immigrant rights.

INTERSECTIONAL GRASSROOTS GROUPS: At the local level, many grassroots organizations are working to mobilize LGBTQ immigrants around the issues that directly affect them. Many of these groups are rooted in LGBTQ immigrant communities or LGBTQ communities of color, and are inherently intersectional. The Association of Latino Men for Action (ALMA), a grassroots group of gay Latino men, has worked in coalition with other groups for immigrant rights in the Chicago area. Several QUIP chapters and other local immigrant youth groups have organized LGBTQ undocumented immigrants at the local level. At the regional level, Southerners on New Ground (SONG) has worked to mobilize LGBTQ immigrants and people of color in the South around the issues that most affect them.

GAPS AND CHALLENGES: Few states have seen the level of LGBTQ-immigrant coalition-building found in Colorado and Oregon. In many states, particularly outside the Northeast and West Coast, there are simply very few staffed organizations advocating for LGBTQ issues or immigrant rights. What organizations do exist are often strapped for resources, making it difficult to allocate the time and resources required for long-term coalition-building work.

Immigrant and LGBTQ communities also face severe political opposition in many states, particularly in the South and Southwest, where the rights of immigrants, LGBTQ people, and people of color have been under attack in the form of harsh anti-immigrant measures, bills granting religious groups broad license to discriminate, and strict voter identification laws. Unfortunately these are also the states where the infrastructure for state and local LGBTQ and immigrant advocacy is weakest.

LGBTO IMMIGRATION FUNDING FOR STATE AND LOCAL ADVOCACY. BY STRATEGY FUNDED (2011-2012)



82%
STATE-LEVEL ADVOCACY

18%
LOCAL GRASSROOTS
ORGANIZING

Another challenge in many states is the role of the Catholic Church and its affiliates, which have been important champions of immigrant rights but have offered significant opposition to LGBTQ rights. In states such as Colorado, Illinois, and Massachusetts, the Catholic Campaign for Human Development – a Catholic anti-poverty funder that supports many immigrant organizations – threatened to revoke funding from immigrant groups if they continued to work in partnership with LGBTQ communities. For the most part, immigrant advocacy organizations stood by their LGBTQ partners and returned the funds. In some cases, LGBTQ funders and allies were able to give or raise funds to make up for the loss in funding. Nevertheless, the Catholic Church's opposition remains a significant challenge for LGBTQ-immigrant coalitions, especially at the state level.

## SERVICES INFRASTRUCTURE FOR LGBTO IMMIGRANTS

#### ASSETS TO BUILD ON

- Legal service providers offering assistance to LGBTQ asylum seekers and LGBTQ immigrants in detention.
- Burgeoning network of faith-based and other volunteer efforts offering support to address housing and other basic needs of asylum seekers

#### GAPS AND CHALLENGES

- Legal constraints and other ba rriers make it difficult for LGBTQ undocumented immigrants to access basic needs such as health care, housing, and employment.
- Outside of legal services, resources specifically targeting LGBTQ immigrants and asylum-seekers are sparse and severely underresourced.

LEGAL SERVICE PROVIDERS: Several organizations provide legal services to LGBTQ immigrants, refugees and asylum seekers. The Heartland Alliance's National Immigrant Justice Center in Chicago provides representation for LGBTQ and HIV-positive asylum seekers and LGBTQ immigrants in detention. Immigration Equality, in addition to its advocacy work, provides legal assistance to hundreds of LGBTQ and HIV-positive asylum seekers annually, as well as assistance to LGBTQ immigrants in detention. LGBT legal organizations such as the National Center for Lesbian Rights, also offer legal services for LGBTQ immigrants and asylum seekers.

LGBTQ ASYLUM SUPPORT SERVICES: A small but burgeoning set of organizations have begun to address the needs of LGBTQ refugees and asylum seekers beyond legal services. HIAS, the oldest refugee resettlement organization in the world, has a federal grant that is specifically dedicated to assisting LGBTQ refugees and asylees with their resettlement in the U.S., including basic needs such as housing and medical services. Unfortunately, HIAS and other federally funded programs are able to assist refugees and people who have already been granted asylum, but are prohibited from helping asylum seekers. Far fewer resources exist for asylum seekers: the federal government and most states do not allow their funding to be used for asylum seekers. Organizations such as the LGBT Asylum Support Task Force in Worcester, Massachusetts, and the Center for Integration and Courageous Living in Chicago help LGBTQ asylum seekers secure housing and basic necessities such as food and clothing. Many of these groups are rooted in faith-based

# FUNDER COLLABORATION ON LGBTQ IMMIGRATION ISSUES

OVER THE YEARS. FUNDERS HAVE WORKED TOGETHER THROUGH A NUMBER OF COLLABORATIVE INITIATIVES TO ADVANCE THE RIGHTS AND WELL-BEING OF LGBTO IMMIGRANTS.

EMMA LAZARUS FUND: In the late 1990s, in response to welfare reform cutting benefits for millions of immigrants, the Open Society Foundations launched the \$50 million Emma Lazarus Fund. Working through local intermediaries and collaboratives, the initiative provided naturalization services and citizenship classes helping hundreds of thousands of immigrants become citizens, undoubtedly including many LGBTQ immigrants.

FOUR FREEDOMS FUND: This collaborative funding initiative was established in 2003 and is housed at Public Interest Projects. Over the past decade, the Fund has awarded more than \$79 million in grants to build the capacity of the immigrant rights field, with a focus on policy advocacy, communications, and collaboration and alliance-building. Several LGBTQ-focused funders, such as the Arcus Foundation and the Gill Foundation, have participated in the Collaborative, which has supported coalition-building between LGBTQ organizations and immigrant rights groups in several states.

LGBT DREAMERS FUND: Launched in 2012 with a challenge grant from the Evelyn & Walter Haas, Jr. Fund, the LGBT Dreamers Fund helped more than 160 young LGBT undocumented immigrants pay the fees required to apply for Deferred Action for Childhood Arrivals (DACA). Housed at the Liberty Hill Foundation, more than 60 LGBTQ organizations and donors contributed to the Fund.

RACIAL JUSTICE FUND: This new fund aims to develop and strengthen a strategic and effective advocacy sector addressing the needs of LGBTQ communities of color. Housed at the Astraea Lesbian Foundation for Justice, and supported by the Ford Foundation, the Arcus Foundation and an anonymous donor, the Fund supports efforts for LGBTQ people of color to influence the issues and policies that most affect them, including LGBTQ immigrant rights.

communities such as the United Church of Christ and Unitarian Universalist Association. Some have small staffs, but they largely operate through networks of unpaid volunteers. Nearly all of their financial support comes from small donations from individuals. The LGBT Faith and Asylum Network (LGBT-FAN) has brought together a diverse coalition of faith and community organizations, service providers, and LGBTQ and immigration policy organizations to increase coordination of their efforts and address the needs of LGBTQ asylum seekers. LGBT-FAN has also established a charitable fund to make grants to support asylum seekers' living expenses.

LGBTO COMMUNITY CENTERS AND SERVICE PROVIDERS: The Movement Advancement Project's LGBT Community Center Survey Report indicates that 40 percent of LGBT community centers offer services in languages other than English and 15 percent provide programming specifically targeting LGBTQ immigrants. Centers in cities such as Los Angeles, New York, and Washington, DC, offer services such as counseling, legal clinics, referral services, and support groups for LGBTQ immigrants and immigrants living with HIV.

Other LGBT service agencies, including some HIV/AIDS service organizations, also have programs that serve significant numbers of LGBT immigrants. For example, GMHC's Sustainability Living Fund provides rental assistance to eligible residents of New York City with HIV/AIDS, including undocumented immigrants who do not qualify for Federal Aid.

GAPS AND CHALLENGES: Outside of legal services, the service infrastructure specifically targeting the needs of LGBTQ immigrants is weak and severely under-resourced. This is especially concerning, since, as noted above, this population faces unique needs and barriers when it comes to education, health care, and jobs. Moreover, mainstream service providers and institutions often lack the cultural competence to effectively serve immigrants, LGBTQ people, or both.

The larger immigration system itself is perpetually over-burdened and lacks the capacity to effectively manage large influxes. As of June 2014, U.S. immigration courts had a backlog of more than 375,000 pending cases and an average wait time of 587 days.<sup>15</sup> If and when large policy changes such as comprehensive immigration reform are implemented—or even in the case of smaller steps such as administrative relief—the system is likely to be significantly strained.

Finally, many LGBTQ undocumented immigrants do not access what resources are available due to financial barriers or simple lack of awareness. For instance, although more than 1.1 million immigrants are estimated to be eligible for DACA, only about 600,000 have applied for and received the benefits of the program. The remaining 500,000 are either unaware of the program, lack the resources to pay the application fees, or fear that it will not guarantee safety for themselves or their families.

<sup>&</sup>quot;2014 LGBT Community Center Survey Report: Assessing the Capacity and Programs of Lesbian, Gay, Bisexual and Transgender Community Centers." CenterLink and Movement Advancement Project, 2014; "2012 LGBT Community Center Survey Report: Assessing the Capacity and Programs of Lesbian, Gay, Bisexual and Transgender Community Centers." CenterLink and Movement Advancement Project, 2012. http://lgbtmap.org/2014-lgbt-community-center-survey-report

<sup>&</sup>quot;Juvenile Cases Help Push Immigration Court Backlog to New High." Transactional Records Access Clearinghouse, Syracuse University, July 2014.



# RECOMMENDATIONS



# 1. FUND ADVOCACY AND COALITION-BUILDING AROUND LGBTQ/IMMIGRATION ISSUES FOR THE LONG TERM.

With major reforms of the immigration system now appearing unlikely over the next two years, it is crucial to sustain and build a strong ecology of organizations to collectively mobilize diverse communities around the rights of LGBTQ immigrants. Over the short term, strong LGBTQ-immigrant coalitions will be crucial for advancing pro-LGBTQ and pro-immigrant policies at the state and local level, and at the national level through administrative relief. Over the longer term, these coalitions will be essential to successfully advancing policies for social change at the national level, ranging from comprehensive immigration reform to nondiscrimination protections based on sexual orientation and gender identity.



## 2. SUPPORT AND DEVELOP LGBTQ IMMIGRANT LEADERS.

A number of young LGBTQ immigrants from the DREAM movement are now entering positions of leadership not only in the immigrant rights movement, but also in LGBTQ rights movement and other social change movements. Many of these young leaders are natural and effective spokespersons as well as adept and authentic coalition-builders. Funders have an opportunity to support and develop these leaders as a strategy for building stronger and more interconnected social change movements.



# 3. STRENGTHEN STATE AND LOCAL LGBTO IMMIGRATION ADVOCACY.

Many key policies around LGBTQ and immigration issues are shaped at the state level, yet funding for organizations working at the state and local levels constitutes less than one-tenth of LGBTQ immigration funding. There is a particularly great need to strengthen state and local infrastructure in the Southeast and Southwest, where policies aimed at curtailing the rights of LGBTQ people and immigrants are being pursued. Funding for local and state-level organizations is an area where community foundations and other place-based funders may play an especially important role, as these local funders often have a deep understanding of the unique regions they serve.



# 4. STRENGTHEN AGENCIES AND NETWORKS SERVING LGBTQ ASYLUM SEEKERS AND IMMIGRANTS.

Demand for services for LGBTQ asylum seekers and undocumented immi grants far exceeds the current capacity of the handful of organizations working to address this population's needs—which include not only legal services but also housing, health care, and employment opportunities. Funders have an opportunity to build the capacity of the burgeoning set of faith-based groups, community centers, and networks seeking to address the unique needs of this population.



# 5. INCREASE CULTURAL COMPETENCE OF IMMIGRATION SERVICE SYSTEMS.

Most LGBTQ immigrants, refugees, and asylum seekers are likely to interact with mainstream service systems, including government agencies and mainstream immigrant service providers. Funders have an opportunity to increase the cultural competence of these systems to address the unique needs of LGBTQ people. The LGBTQ cultural competence of mainstream service systems will become especially important if and when comprehensive immigration reform is passed; millions of immigrants will require services and processing in the same period, including hundreds of thousands of LGBTQ immigrants.



# 6. PROVIDE FINANCIAL ASSISTANCE FOR IMMIGRATION APPLICATIONS.

Initiatives such as the LGBT Dreamers Fund not only covered the direct costs for young LGBTQ immigrants to apply for DACA, it also helped raise awareness of the program. Now, two years after the program was launched, many DACA recipients are due for renewal. It is crucial that qualifying youth, particularly those who identify as LGBTQ, have access to the information and resources to apply for or renew their DACA. As immigration policy evolves, DACA renewal, recognition of binational same-sex couples, expanded administrative relief, and comprehensive immigration reform may provide opportunities for funders to financially assist low-income LGBTQ immigrants in attaining a recognized legal status.

#### METHODOLOGY

This report combines LGBTQ funding data captured for the 2012 Tracking Report: Lesbian, Gay, Bisexual, Transgender and Queer Grantmaking by U.S. Foundations and Lesbian, Gay, Bisexual, Transgender and Queer Grantmaking by U.S. Foundations - Calendar Year '11. For these reports, requests for grant information were sent to nearly 700 grantmakers. All types of foundations were surveyed - private, public, community, and corporate - as well as nonprofit organizations with grantmaking programs. Information was obtained predominantly through self-reporting by grantmakers, as well as a review of 990s and annual reports.

This report specifically focuses on LGBTQ immigration issues in the United States and captures grants made to support: (1) organizations that specifically focus on LGBTQ immigrant issues; (2) programs and projects that focus specifically on LGBTQ immigrants or LGBTQ immigration issues; and (3) coalition work between LGBTQ and immigrant rights organizations.

The data does not include grants to organizations or projects that are generally inclusive of LGBTQ immigrants unless they explicitly target LGBTQ immigrants or address an LGBTQ immigration issue. For example, a grant awarded to a LGBTQ community center to develop a new mental health initiative, open and welcoming to all LGBTQ individuals, including LGBTQ immigrants, would not have been included in the data. If that same center was funded to provide mental health assistance specifically to LGBTQ immigrants, then the grant would have been included.

Re-granting dollars are included in charts that rank individual grantmakers to accurately show the overall level of LGBTQ funding provided by each grantmaker. As a result, the charts that rank grantmakers "double-count" re-granting when aggregated. However, for all other tabulations and charts, we have not included dollars awarded for the purpose of re-granting, so as to avoid double counting.

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## MISSION

Funders for LGBTQ Issues works to mobilize the philanthropic resources that enhance the well-being of lesbian, gay, bisexual, transgender and queer communities, promote equity and advance racial, economic and gender justice.

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