

A Funder's View of Detention

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The photo projected onto the screen featured a wedding couple encircled by several groomsmen. We soon learned that all the men were immigrants from Nigeria, Guinea, Eritrea and Mongolia who'd been detained together at the West County Detention Facility in Richmond, California. Reverend Deborah Lee, Executive Director for the Interfaith Movement for Human Integrity, an organization that has held monthly vigils at the facility since 2011, shared the photo as part of her presentation at a learning lab organized for funders by funders. The photo was a reminder of the resilience of immigrants—how some of them can seize back their humanity after long periods of detention.

As a former lawyer who focused on asylum issues, immigration detention has always struck me as one of the cruelest and most inhumane features of our immigration system. Even when immigrant detainees are not asylum seekers, their migration requires them to leave their homelands, breach family and community ties, and brave hazardous journeys. It is worse for people fleeing persecution; incarceration is often traumatic, compelling them to relive the harms they suffered at home. Moreover, numerous studies demonstrate the sub-human conditions immigrants are subjected to while detained, especially in current times. Yet detention policies are embedded in our laws and the number of immigrant detainees has expanded exponentially since the 1990s, currently hovering at about 55,000 nationwide. Hence, the work to curb immigrant detention is vitally important.

With support from Grantmakers Concerned with Immigrants and Refugees (GCIR), program officers from the Firedoll Foundation, the Zellerbach Family Foundation, and the Four Freedoms Fund, we organized a learning lab on detention issues. The all-day training session built on a previous learning lab we organized on the basics of deportation, that came soon after the Contra Costa Sheriff's announcement of plans to end the county's contract with ICE at its facility. Advocates had scrambled to ensure representation for as many immigrant detainees as possible in order to avoid their transfer to out-of-state facilities.

Last year's learning lab revealed tensions between advocates and organizers. While activists sought to close detention facilities, legal services providers had mixed reactions. Lawyers knew that when facilities close and their clients are moved, representation can become almost impossible. As funders, we hoped to lean in and openly discuss those tensions, so that we could resource the work in an informed and thoughtful way. This year, therefore, we included speakers who could address the national detention movement, local case studies involving closures in the Bay Area and Southern California, and current advocacy to end state contracts with private prisons.

A few highlights from the day:

- **We are winning.** Silky Shah, Executive Director from the Detention Watch Network, a national network of advocates seeking to end immigrant detention, reminded us that the tensions the movement is experiencing are signs that we are winning. This year, advocates worked to include private facilities that house immigrant detainees on AB 32, a bill that prevents the state from entering into contracts with private prisons. Given that most of the facilities in which immigrants are housed are private prisons, this bill is a significant victory. The legislation is the first of its kind in the nation and awaits the Governor's signature.
- **Funding infrastructure and collaborations between legal services providers, advocates, and organizers is key.** Talia Inlender, a Senior Staff Attorney at Public Counsel in Los

Angeles, reported on the closure of the James Musik Facility in Southern California. She stated that collaboration between lawyers, activists, and organizers proved invaluable, especially when ICE was secretive about their plans, and ensured that all detainees who wanted representation received it. She noted that the infrastructure that made the transition smooth had been built for a long time. Moreover, the collaborations funders have invested in—the rapid response network that has included organizers, advocates, and legal services providers—was one that culminated in the passage of AB32.

- **Cutting back the number of facilities means less immigration enforcement.** Hamid Yazdan Panah, who has directed the rapid response network in Northern California and parts of Southern California, has studied the workings of ICE. According to Yazdan Panah, immigration enforcement requires proximate facilities for detaining immigrants. Without them, operations are not economically feasible.

Some red flags:

- **Concern about surveillance and official harassment.** Sandy Valenciano, an Organizer and Statewide Coordinator of the California Immigrant Youth Justice Alliance (CIYJA) shared that during their campaigns, a few youth activists received visits from the FBI and other law enforcement. Some of these youth are undocumented and vulnerable and need protection.
- **Secondary trauma and burnout.** At least one advocate candidly revealed the high toll the immigration work took in her life, and how she left the work for a year before she was able to return to it. The issue of burnout among advocates and legal service providers is one that persists and needs more focus.

Opportunities for future learning and funding:

- How can funders divest our foundations from investments in private prisons and other morally objectionable revenue streams?
- How can funders defend movement activists?
- How can we resource shelter and accompaniment to immigrants who are released in our communities?
- How can we support grantees who are experiencing burnout?

The bottom line is that the fight over immigrant detention has just begun. Even if the governor signs AB32, much work will need to be done to ensure that ICE does not find ways to skirt the law. At the core of the work are immigrants themselves: people who come here and now find themselves incarcerated. They may have families who are subsisting without the main breadwinner and may also be reliving the harsh treatment they experienced before they traveled. They need our focused attention today now more than ever.