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The Bureaucratic Savior: How Human Service Professionals Allocate Rights to
Noncitizens

by
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Abstract
Lacking civil and political rights, over 30 million noncitizens in the United States hold de facto citizenship through the accumulation of social rights. Although governments confer rights, the United States relies on non-profit human service organizations to deliver many social support services. As the primary institution that interacts with noncitizens, human service organizations not only make policy in practice, but also play a key role in determining who gets to stay and who should receive help in doing so. This arrangement poses important questions: How do human services interact with pressures from immigration and welfare regulation? How does the institutional and organizational environment affect professionals' prioritization of services and client selection? Through ethnographic interviews with human service directors, this study analyzed on the ground policy implementation and how noncitizens gain access to social rights and legitimacy. Due to regulatory pressures and referrals across professional networks, human services adopt similar practices and structures that decreased case variability irrespective of noncitizen's needs. Additionally, directors responded to uncertainty in their work by using formal intake processes to serve varied interests and motivations. Thus, the immigration policy environment constrains discretion and narrows directors' practical understanding of eligibility, limiting rather than expanding access to social rights.

In 2011, the Department of Homeland Security estimated 11.5 million individuals resided in the United States as undocumented residents without a legal status. Legal noncitizens comprise nearly twice as many individuals (Hoefer et al. 2012). With over 30 million diverse individuals in the United States occupying the boundary formally outside of "citizen," the relationship between noncitizen populations, the state, and immigration law continues to pose important questions. The term noncitizen broadly includes many different immigrant statuses outside of formal legal citizenship such as undocumented immigrant, refugee, and legal resident. While the stagnant binary categories of legal and illegal immigrant no longer aptly apply as absolute designations, studies of immigrant populations focus on the impacts that changes in immigration law have on noncitizen immigrants and how subsequent changes in legal frameworks restructure rights and notions of citizenship more broadly (Coutin 2011).

Although immigration policy powerfully influence noncitizens' legal status and access or exclusions to rights, noncitizens do not directly experience policymakers, regulatory agencies, and legal statutes in their daily lives. Rather, non-state human service organizations implementing indeterminate immigration laws govern the rights and statuses of noncitizens. As the primary institutions interacting with noncitizens, human service organizations not only make policy in practice, but also play a key role in constructing legitimate social membership and providing needed social services—determining who stays in the United States and who should receive help in doing so.

This qualitative study analyzes how human service organizations provide services to noncitizens and how institutional pressures from the policy environment structure services to marginalized immigrant populations. I ask: In what ways do organizations interact with regulatory pressures from immigration and welfare regulation? How do these institutional factors and the human services environment affect how professionals prioritize services and client selection to ultimately decide who can receive access to rights and social citizenship?

Through in-depth interviews with eight directors of non-profit human service organizations, I argue that human services, despite dedication to helping those in need, are limited in the ways that they can help noncitizens and thus generally provide services to a narrow category of marginalized immigrants. Due to a pervasive homogenous structure and diffusion of similar practices throughout the human services field, only a small selection of services and clients receive help. These services exclude most groups of noncitizens and their needs. Further, although human service directors want to help everyone in need, directors do not use their discretion to expand client bases and services, but instead act in ways that resonate with a restrictive policy environment. Directors privilege cases where individuals are in need of the most social services yet are unlikely to be too complicated, while they turn down cases with less marginalized individuals. Services are mostly reserved for traumatized noncitizens who fit clear legal categories of welfare eligibility, asylees, refugees, or victims of specific crimes, resulting in a hierarchy of cases where marginalization and victimization held the most merit.

Additionally, directors' selection of cases with "merit" often meant looking for specific characteristics: hardworking individuals who reflect the restrictive policy environment.

In this paper, I first provide an overview of the theoretical framing of citizenship that drives my study and the relevant policy environment concerning welfare and immigration regulation. I then review neo-institutionalism as it applies to law and organizations, explaining how human service organizations may contribute to broader notions of citizenship. In my findings, I will show how the regulatory and professional environment of human services resulted in coercive and normative pressures that influenced homogeneity in structure and practices, and limited to whom and what social services are provided. Additionally, my findings indicate that individual directors exercise strategic action within their organizations in order to serve personal and organizational interests. This discretion in making decisions and putting institutional processes into practice, however, did not result in unintended or divergent aims from the policy environment. Furthermore, the limited access noncitizens have to services is a clear restriction on their access to social rights and legitimacy.

This study hopes to increase academic interest in how noncitizens engage with the law in everyday practice. Particularly, this study examines one of the ways noncitizens establish rights and enter into legitimate relations with the state. In examining the role of human service organizations, this study does not intend to take for granted the agency exercised by noncitizens in mobilizing for rights or negotiating their own status, but attention must be paid not only to affective experiences but also the intermediary role of

social institutions in the noncitizen/state relationship (Abrego 2008, Glenn 2010). Sociological research using a neoinstitutionalist framework is not new, but organizational studies of non-profits have not focused in depth on institutional fields and how they affect the rights and services delivered to immigrants or how it contributes to the understanding and empirical experience of citizenship materially. Furthermore, a law and organizations framework provides a missing emphasis concerning the mediated implementation of law and its effects on noncitizens' experience of immigration policy in daily life.

Theoretical Perspectives

Immigration, Citizenship, and De Facto Legitimacy

At the heart of citizenship is the mechanism to regulate membership status through rules of inclusion and exclusion, which by nature generates a system of inequality regarding who belongs and who does not. While scholarly research traditionally tied citizenship to membership status within a political entity joined by notions of ethnicity and territory, citizen and immigration research turned towards a citizenship beyond the nation-state. Rather, citizenship studies placed research in relation to globalization, transmigration, cosmopolitanism, and human rights (Soysal 2000, Bosniak 2000). Regardless of the territorial context of citizenship, contemporary citizenship as an analytic category exists along multiple dimensions of citizenship types and rights: civil, political, and social citizenship.

Somewhat divergent, but inextricably linked to civil and political citizenship, is the social element of citizenship, on which this paper will focus. T.H. Marshall refers to

social citizenship as "the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society" (1998: 96). It is essentially the social recognition and full inclusion in a community—recognition of one's personhood, moral equality and dignity, and social legitimacy as sufficient for receiving social protections and social acceptance (Sommers 2008). Contemporary social citizenship is exercised primarily through public education and social services as protections from a liberal capitalist market (Bosniak 1998).

These analytic elements of citizenship—the civil, political, and social—can be viewed along theoretical dimensions of legal status, civil rights, political participation, and a sense of belonging (Marshall 1998, Bloemraad et al. 2008). The intersection of these dimensions results in undermining and reinforcing individual boundaries of membership, making the citizenship experience dependent on various processes of bundling different benefits together. Thus, citizenship is a complex institutional mechanism that produces social stratification of different identities and rights where some individuals receive more rights in theory than they receive in practice (Marshall 1998, Bloemraad et al. 2008). Research on noncitizens' rights in the United States initially concerned different membership definitions of illegal and legal as defined by changes in immigration policy and economic push and pull factors of undocumented migration (Espenshade 1995, Coutin 2011). Regardless of the motivations behind immigration, the diverse population of immigrants within the United States complicated the traditional assignment of citizenship and the ascription of rights. In varying degrees,

immigrants in the United States were granted de facto access to civil and social citizenship without the de jure qualification of political citizenship. Because immigration policy is not static, the provision of rights to various immigrants continues to change.

Brief History of Immigration and Welfare Policy

To contextualize social citizenship within social services, I will review immigration policy trends in the United States that relate to welfare policy and human service organizations. In general, human service organizations work within a policy field characterized by challenges and contradictions at both the federal and state level. Operating within a policy field that contains broad sweeping federal laws that are permissive towards undocumented migration but lack provisions for a social safety net, human services must also contend with attempts at the state level to unofficially make restrictive immigration regulation through prohibitive welfare policies.

Within the policy field, federal immigration legislation, though traditionally restrictive, is not stringently enforced. Though Congress usually employs a rhetorical anti-immigration framework, it seldom enacts federal legislation concerning citizenship and immigration. This results from a neoliberal paradox of policies where the desire for open markets and cheap labor in the United States conflicts with the closure of citizenship and borders (Varsanyi 2008: 879). Neoliberalism as an economic doctrine privileges a free and deregulated market. Similarly, as a political ideology, its exercise adheres to libertarian values of property rights and individualism combined with a morally conservative view of the family, meritocracy, and nationalism (Hartman 2005:

59). In practice, governments with such ideals facilitate the alignment of subjects' individual goals and national aims by creating laws that assist individuals "to practice their freedom, but only in ways the state has defined anteriorly—for example as workers rather than as welfare recipients" (Hartman 2005: 60). In the United States, immigrants (both legal and illegal) are treated as the new subjects of neoliberal principles because a significant portion of the labor force relies on their presence. In effect, the federal government can enact contradictory policies that include militarizing and defending its borders yet also provide for lax internal policing of undocumented labor. In doing so, the government appears to be hard on immigration in theory, yet still benefits economically in practice.

Open labor markets and an economy supported by immigrants, however, require some system of social and civil support where none tends to exist in the political realm. Yet, rather than the federal government, states and local governments bear the burden of providing services to assist undocumented immigrants—the subjects of federal immigration policy (Espenshade 1995, Varsanyi 2008: 879, Coleman 2007). The United States is a liberal, or neoliberal, welfare regime in which dominant policy initiatives consist of market solutions and means-tested benefits, like food stamps or disability benefits (Sainsbury 2006). The modern U.S. welfare state, since its founding during the New Deal, has provided varying degrees of state funded social services. Initially developed to provide selective public assistance to certain "deserving" populations of the poor, only the blind, the disabled, the elderly and mothers of single families received aid (Sainsbury 2006: 232). Immigrants in particular were excluded from welfare access until

the government created the Supplemental Security Income Program (SSI). Access was also formally extended in 1970 when the Supreme Court ruled in *Graham v. Richardson* that state governments could not deny welfare benefits to resident noncitizens. Now including legal permanent residents, refugees, and immigrants admitted for humanitarian purposes, state welfare programs began stressing different entry categories for access as a way to limit beneficiaries. Furthermore, in the 1980s, the Reagan administration not only introduced more restrictive eligibility requirements, particularly for immigrants, but also simultaneously implemented spending cutbacks to state run welfare programs. His administration also developed increasingly more financial and programmatic relationships with non-profits (Boris 1999: 1-33, Sainsbury 2006). Though a formal welfare state exists, many of its functions operate through private non-profit organizations rather than federal or state managed programs.

By the 1990s both welfare and immigration reform changed the scope of immigrant social rights. Following a suite of Congressional acts in 1996, immigration policy began to restrict and regulate immigrants themselves rather than migration. The most notable of these policies were the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), the Anti-terrorism and Effective Death Penalty Act (AEDPA), and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). PRWORA reclassified noncitizens into qualified categories that restricted eligibility for welfare and social protections. The act restricted benefits to certain immigrants by denying all federal benefits to those who were not residents of five years—implying through practice that undocumented residents were ineligible for

publicly funded state or local services with the limited exceptions of emergency care. Further, the act gave full discretion to states to decide eligibility for their social programs, allowing some states to exercise exclusionary practices against noncitizens (Shin 2006, Varsanyi 2008). Similarly, the AEDPA and IIRIRA contributed to a roll back of rights that noncitizens enjoyed by default. Under the AEDPA, local police had the authority to arrest previously deported noncitizen felons. Increasing the risk of deportability, the IIRIRA enabled local and state authorities to enforce federal civil immigration violations.

These laws concerning both welfare and immigration illustrate how enforcement and formulation of membership policies underwent devolution of control to state and local governments (Varsanyi 2008). This rescaling signifies another level where noncitizens negotiate rights, but also a reconfiguration of immigration enforcement to state and non-state actors at local levels (Coleman 2007, Coutin 2011, Varsanyi 2008). Although U.S. immigration policy effectively compelled states to bear the brunt of providing rights to noncitizens, the devolution of immigration policy further highlighted the role of local institutions in carrying out the law and a turn toward immigration policy on the ground, in which some states are considerably more restrictive than others.

Neo-institutionalist Theory and Law and Organizations

Empirical studies of immigration policy and citizenship call for further attention on implementation and the rights of noncitizens (Abrego 2008, Gilboy 1997). This research turned toward the site of implementation: the organization and its institutional field (Coleman 2007, Gilboy 1997, Coutin 2011). Because institutions form both the

formal and taken-for-granted norms that shape what individuals and organizations do, neo-institutionalist studies of organizations focus on how actors make decisions when confronting uncertainty concerning expectations, their chances of success, permitted behavior, or goals, in order to pursue specific interests (Brinton and Nee 1998: 8). I will review organizational isomorphism, strategic action, and discretionary decoupling as theoretical explanations for how human service professionals respond to uncertainty in their line of work and how these processes produce organizational behavior.

DiMaggio and Powell argue that organizations deal with uncertainty by becoming rationalized, bureaucratized, and standardized across the field. Not only do structures of different organizations become identical, but so does culture, organizational behavior, and what the organization produces (1983: 147). Organizational similarity occurs through coercive, mimetic, and normative processes. When organizations experience pressures from the state or regulatory environments to adopt certain practices or fulfill requirements, coercive homogenization occurs. Similarly, when organizations are uncertain about how to operate or whether or not they will be successful they can adopt the practices of other organizations that appear successful. This mimetic isomorphism makes organizations appear legitimate. Lastly, organizations can become identical as a result of professional networks and ethics. Normative pressures can be standards set by professionals or by a particular professional culture (DiMaggio and Powell 1983: 150).

At times, however, because institutional rules are not coherent and there is uncertainty within an organizational environment, opportunities for individual discretion

and agency are available. Neo-institutionalist theories that focus on individual actors and institutional pressure use a "choices within constraints" model whereby actors act strategically by making decisions that intentionally pursue a broad set of interests. Individual strategic action reduces uncertainty of success by establishing or working within practices that fulfill both individual and organizational interests (Beckert 1999: 782). These decisions however are context-bound by limited knowledge concerning the outcomes of their decisions and are further limited to the customs, myths, and ideology of the institutional field (Brinton and Nee 1998: 8, Ingram and Clay 2000, Paul DiMaggio 1998). This manifests as decision-making that considers only certain types of rationales present in an environment, which are thus created within the organization itself.

Neo-institutionalist studies of organizations and law emphasize strategic action and discretion as a decoupling mechanism. These studies focus on law as the institutional environment and how actors use, ignore, or circumvent the law's formal and informal influence (Edelman et al. 2010: 655). Organizations become the arena where actors collectively construct the meaning of compliance to law and act strategically to utilize their discretion to reinforce law or change legal meaning. Decoupling occurs when practices and individual action diverge from legal ideals but are still technically within the formal rules, enabling organizations to comply with law symbolically and to create legal norms endogenously—regardless of formal legal intent (Edelman et al. 2010: 656).

Since individuals inhabit institutions, strategic action requires individuals to make sense of what to do by using frameworks and knowledge available to them within their

environment. This can include formal and informal understandings of the law. For example, Marshall (2005) illustrated how a university created sexual harassment grievance procedures that constructed how employees understood what sexual harassment looked like, and in doing so sought to protect the organization from legal action rather than the victims of sexual harassment. In the context of non-profits, Carmin and Jehlicka (2008) demonstrated how non-profit organizations respond to institutional pressures that arise from different environmental logics. By examining a Czech non-profit, the authors show how under state socialism the organization symbolically complied to state mandates by creating a formal structure that had little to do with its actual anti-socialist activities. Similarly, Binder (2007) examined the discretion exercised by individuals in a transitional housing non-profit where employees complied with federal funding constraints but utilized differing logics to make decisions based on professional commitments, personal preferences, and local concerns. Therefore, decoupling discretion indicates that organizations can create unexpected outcomes to laws that are meant to regulate them by making decisions that meet their formal demands as well as the interests of their organizations (Edelman 1992, Nelson et al. 2008, Marshall 2005, Stone and Sandfort 2009). In the sense that organizations implement policy in ways that differ from formal legal intent, the effects of policy-making essentially rest in the processes of organizations and individual actors.

Additionally, in the context of noncitizens' rights and immigration policy, the implementation of policy at the level of human service agents determines the rights that could accrue to noncitizens. The police officers, school teachers, social workers, and

public attorneys who work in the human services industry are the primary institutional actors engaging with noncitizens; these street-level bureaucrats similarly utilize discretion to comply to institutional demands while pursuing self-interest or the organization's mission (Lipsky 1980, Gilboy 1997, Abrego 2008). The role of human service professionals, in mediating the legal expectations of an organization and the people they serve, construct the norms of institutional practice. By doing so, they also affect the impact of law on its intended subjects.

This study seeks to follow previous studies by examining immigration policy on the ground as it affects noncitizens. However, in researching the role of human service organizations I specifically apply neo-institutionalist theories regarding organizations and individual agency to understand how the broader environment affects professional discretion. Although the policy environment formally empowers human service organizations to serve noncitizens' social needs, these organizations do not operate in a vacuum and as such are open to constraints through restrictive and ambiguous immigration and welfare policies. Institutional practices directly affect how services are provided, and thereby what aspects of citizenship noncitizens may experience. The expansion or contraction of social services alters how social rights and social legitimacy are allocated to noncitizens. In examining human service organizations through theories of isomorphism and strategic action, we can understand the many pathways in which regulatory environments affect and transform these de facto rights on the ground.

Methods

I collected my data using ethnographic interviews with individuals who occupied decision-making positions within their organizations—program directors and department heads who worked in a major metropolitan area of a Midwest state. I interviewed eight directors from seven different organizations. The subject population of this study centers on human service organizations that provide free social services to immigrant populations. Although this study aims to provide information about the larger institutional field of social services, I ground it in a small slice of organizations in one area. Electing a balance of breadth and depth of non-profit human service organizations, I used purposive sampling to select participants. The organizations were selected on the basis of their proximity to a metropolitan city and reputation for providing services to immigrant and marginalized populations. I chose respondents based on their positions. As a program director of an organization, these roles were likely to have considerable administrative responsibilities as well as access to clients through direct service work. I looked to speak with program directors because they were in the position to have comprehensive knowledge regarding their organizations' missions, programs/services, resources, as well as have decision-making capabilities for their organization.

The eight respondents in this study represent a diverse set of service providers available to immigrant populations. Organizations ranged from immigrant-oriented services to those services available to both citizens and noncitizens alike. While only half of the organizations dealt exclusively with providing legal services to immigrant populations, the second portion primarily served immigrant communities despite having

more open target populations. The services provided by study participants ranged from a variety of legal issues, to a broad range of immigration issues, to the acquisition of basic needs such as food and housing, employment services, and psychological services. In common, all organizations studied limited their services to low-income individuals within a specified geographic area. In total, individual respondents encompassed directors of legal clinics, legal aid societies, non-profit legal services, interpersonal clinics, a food shelf, adult education and English instruction, and a refugee resettlement agency.

I visited each organization to interview directors and observe the physical environment of staff. The duration of each interview lasted between one hour and an hour and a half. While recording the interviews, I took extensive notes that I included alongside interview transcripts for analysis. Ethnographic interviews and observations allowed me to understand the motivations behind organizational practices and how actors understood and made decisions. In analyzing the relationship among the institutional environment, the human services, and directors in policy implementation, interviews allowed me to investigate organizational and individual perceptions of decision-making and constraints.

By structuring interviews with program directors to discuss their daily work, routine processes in service provision, organizational structure, and common challenges, I was able to collect narratives that explained how non-profit human services fit within an immigration policy environment and how this may present challenges to delivering services. Although interviews and content analysis are common research methods in

studying both noncitizens and organizations, the study of noncitizens, rights mobilization, and immigration policy impacts are typically conducted with the noncitizen populations themselves or solely at the policy level. Less scholarly attention is given to immigration policy at different levels of implementation, particularly in conjunction with studies of non-profits and their role in mediating policy.

This study aimed to analyze the role of human services in facilitating noncitizens access to services and social rights by identifying what organizational and individual factors contributed to deciding who received help and how directors negotiated these constraints. Throughout my interviews, I encouraged directors to discuss the structure and goals of the organization, their role, and how their organizations compared to others. I often asked about challenges to the operation of the organization as well as challenges that individual directors confronted when trying to do their work. If directors mentioned requirements, policies they had to abide by, and the impact of anti-immigration laws on their clients, I probed to uncover how they understood these issues and how this understanding influenced their daily work and long-term goals. Questions also focused on actual service provision of the organizations and how individual directors dealt with direct client work and client selection. As expected, this generated discussion of routine practices that streamlined client selection as well as how individual directors made decisions about what to do and whom to help when problems occurred.

Findings

Despite variation across organizations, interviews revealed that the human service directors confronted similar uncertainties concerning funding, goals within limited organizational capacity, and effective resource management. Confronted with these uncertainties and a large population of clients, human services followed similar practices and offered the same rationales to legitimize their service choices. The practical result of isomorphism was a caseload that did not deviate far from the previous explicitly preferred government allowances for asylees, refugees, crime victims and legally eligible welfare recipients. Directors responded to uncertainty of resources and a desire to help everyone in need by using intake practices to meet their interests in effectively expending resources and being successful. This discretion however did not expand who received help, but rather isolated a narrow selection of clients to a restrictive hierarchy of characteristics: vulnerability, welfare eligibility, and merit. Overall, noncitizens faced restrictive access to rights through human services.

Coercive Isomorphism: Role of Government Regulation

An institutional environment represents norms, values, and sets of beliefs enacted through rules to which organizations must conform if they are to acquire the legitimacy necessary for success (DiMaggio and Powell 1983). In the human services sector, organizations rely significantly on financial contracts with government agencies and wealthy grant foundations to conduct their work. Continued funding from these sources ensures financial survival and opportunities for growth. Every human service organization interviewed received government funding through state or federal contracts. The more an organization's finances depended on these contracts, the higher the

likelihood that an organization's interests and services aligned with state demands. Similarly, grant sources from non-government bodies also set requirements for formal rules and specific goals. In particular, as these human services often worked with immigrants, there were strict stipulations concerning who could receive help using these funds. Directors cited federal grants as the primary source of government money. Mostly providing for refugee resettlement work, organizations had very clear restrictions on how this money should be spent and how to report expenses. In most cases, directors described a narrow source of government funds available to help immigrants. Limited to helping individuals with legal status if they were using federal funds and excluded from using state funded grants to advocate on Federal issues like immigration, organizations tried to seek a significant portion of their operating budgets from foundation grants, private donations, or partnerships with private institutions. This strategy however did not typically alter what organizations could do as even private sources of money set requirements regarding permissible services and reporting expectations.

According to Weisbrod (1998), non-profit funding becomes a "sale" when the non-profit must relinquish control over their activities in order to satisfy buyers, and in that vein the non-profit's successful pursuit of goals is constrained by a funder's demands. Government funding requirements also established a way for organizations to show accountability and transparency in meeting mandates that existed. Although the human services organizations interviewed were very different in scope, they operated with similar practices and structure as a response to uncertainty concerning service prioritization and client selection. The most prominent manifestation of regulatory

pressure was the intake process, which was rationalized and routinized across the range of services. All organizations featured a required process used to screen for individuals that fit specific mandates. To varying degrees of strictness, each human service required potential clients to undergo screening and client intake. The screening interview and intake process measured eligibility and streamlined classification of applicants within cases and welfare eligibility. Client intake and screening served not only to identify the type of case, but whether the case would have merit to take or would be successful.

Processes of screening and intake followed similar steps across human services. First, individual applicants were required to provide evidence of low-income eligibility and some corroboration of geographic residence. One legal services director and advocacy agency stated, "Income piece for most people is key. Most of the free social services are restricted. And they don't want to be working with someone for a long time and they're like 'you make 60 [thousand].'" With those grounds established, intake practices question the individual about their situation, their needs, their legal status, and any problems that may exist for the applicant. In most of the human services, an additional in-person interview would occur, should potential clients pass the requirements of the first screening. During the interviews, organizations would additionally use a statewide benefits database to further check on clients, ascertaining possible state welfare and tax support benefits. The established purpose for intake is to ensure that individuals served do indeed fit within the cases usually taken and meet funding mandates.

The types of services available to noncitizens typically depended on what government money was willing to fund rather than any response to demands or needs of the community. Even in cases where funding wasn't restricted, organizations tended to prioritize the same services as organizations under restricted funding. Generally, the most direct funded service provided pathways to welfare access for asylees and refugees. Other funds used to serve immigrant populations were indirect funds provided for specific welfare services such as housing, employment, disabilities, and other basic needs. Although some organizations in the study were more dependent on government grants than others, every organization prioritized similar cases. Regardless of whether they had a contract to do so, the human services organizations overwhelmingly provided services to asylee, refugee, and domestic and sexual violence cases. Those that provided a specialty in legal services all focused primarily on legal status cases that involved "trauma"— victims of a crime/sexual assault and asylees. On the other hand, human services that provided basic needs emphasized housing, clothing, food stamps, cash assistance and employment counseling to refugees.

Services concentrated on these small groups of asylees, refugees, and victims of crime despite every director emphasizing other groups of noncitizens that needed help and were technically eligible. Influenced heavily by government-approved cases, organizations rarely ventured to expand services to include broader groups of people. Most organizations described a high density of detained immigrants (en route for removal from the country) as a priority target group for their services, but such cases were not prioritized. As an example, one director who worked with almost no restricted funding,

discussed a high demand and dire need for detained immigrant cases, "I think in general case priority has changed in the last ten years into moving beyond exclusively asylum work into how U.S. immigration policy changed and affected wide swaths of the population—who is getting detained and deported and why." Nonetheless, like the other organizations in this study, services were usually directed to those cases that had an established precedent of government funding,

> We'll take cases that we'll handle start to finish. Those will be asylum, crime victims, violence against women, and trafficking visas. Those are the bulk. There're a lot of asylum services around the country. Historically, we've mostly taken asylum, I think we've moved beyond that in terms of VAWA [Violence Against Women] and U [visas for crime victims], and we don't take walk in clients.

Organizational priorities for consistent service provisions, a complete rather than fragmented service delivery to clients, and a commitment to cases with a track record of success elevate government-funded cases and restrictions to influence case selection and other organizational services. As a result of the pattern of restrictions set by government-funded cases, every human service prioritized the same caseload. Government regulation distinctly exerted coercive pressure on the organizations to provide similar services to concentrated groups. Within the human services field, preferences for victim and trauma based cases were diffuse even when funding was not restricted.

Normative Isomorphism: Professional Standardization through Referrals

Across the human services organizations, interview respondents frequently participated in similar professional networks. Many of the directors spoke often of the

other organizations in the study and frequently referenced program links, referrals, and collaborations with each other and other organizations in Midwest state. One link in particular stood out as a process of standardization. Referrals of clients relied on using similar screening requirements, a standard rationale for case classifications, and an understanding of other organization's processes and requirements. Though no director felt that their screening processes were identical, the ease and frequency of case referrals required using similar case classifications and standards. For instance, most directors emphasized using the same determination for income eligibility at 133% of the poverty line, rather than the Federal guideline of 150%. Additionally, one director explained,

> We take referrals that have already been screened. Each organization has their own way of doing it. I think at [other organization in study] they've got a fairly standard intake form. They do at least one interview, write a description of it and share it. They know that we have psychologists on staff, so when they refer someone they will know that and that will effect who they refer over. So someone who is maybe in a bit more fragile state they'll refer to us. The referrals we get from the county, they just write up an email, most of the time I'm saying no because they haven't been properly screened, but she will just keep sending me possible cases.

Human services organizations operating within the same network relied on transparent processes of intake and referral that reflected shared standards and mutual knowledge regarding peer organizations' resources and needs. When organizations outside of the professional network attempt to make a referral, directors typically didn't accept them because these referrals lacked the same professional standards and familiarity with organizational practices necessary for legitimacy in the professional network.

Furthermore, referrals are so institutionalized as a human service wide practice that almost all of the organizations kept a referral handbook to connect clients to referral agencies or to other human services based on need area. The screening process of human services served as a response to the uncertainty of client prioritization. Because human services organizations used screening to select for certain clients—typically government funded cases or potential welfare benefits cases—referrals circulated only those types of cases to other human services. Working with other organizations that served marginalized immigrant populations required some degree of homogeneity across the professional networks that provided different services. In this respect, the similarities across human services and the standardization of the screening process contributed to an almost undifferentiated client selection and service provision.

Individual Uncertainty: Missions, What to Provide, Who to Serve

Despite organizational differences and service type, every human services organization had relatively the same mission statement or organizational goal. Because of uncertainty regarding whom they could help, the human services organizations expressed a general mission to serve those who needed the most help. With a broad emphasis of helping low-income individuals within a specific geographic area, organizations could keep their goal threshold low ideally to accommodate service needs, funding, capacity, and immigration flows. However, individual program directors, when asked specifically about the goals or mission of their respective organizations, answered with uncertainty. Most said they served low income and the most vulnerable and marginalized people. One legal aid attorney stated, "It's the most marginalized non citizens and citizens—it's to get

the most basic things to survive, money to support yourself, a status to be free from fear of deportation, housing security, basic needs for self sufficiency." With each organization supporting a generic and similar mission statement, directors could not draw on it to clearly inform how to structure service or prioritize clients.

Directors often cited being unsure about who would receive services and what cases the organization would take. As the goals of these organizations were broad and solely amounted to loose criteria to help the most vulnerable and low-income, the target populations of human services was just as indeterminate. Although every organization could articulate whom they were helping—low-income individuals who were mostly immigrants—it was difficult for directors to describe their client bases. When asked, participants differentiated on the basis of ethnicity/national origin. Though common groups were East African, Central American, and displaced South Asian populations. Regardless, almost every director responded with, "it depends on the case" even though they also described the cases they took as standardized. One participant who worked for an advocacy and legal services organization stated, "In theory the constituency we're advocating for, that we're providing direct services to is immigrants. But there's no broad constituency that's really called immigrants at all. That's just another challenge is that there's a lot of disparate voices." Immigrants, as the populations they were serving, were often tabled for other higher order descriptions. In most cases, the dichotomy of illegal and legal did not arise in the description of clients. For most organizations, it was either a fact or an assumption that clients were either undocumented or on their way.

Directors' Strategies of Responding to Uncertainty

Negotiating Formal Organizational Practices. Although organizations had generic missions to guide their staff, directors were able to assert their own motivations into the organization's ambiguous goals. Almost all directors saw their current work as an extension of a passion or rewarding experience in their life. Participants easily expressed a connection between the services provided and their own personal convictions. However, organizational directors did not always connect their motives and their work with the mission of the organization. For example, every interview participant had difficulty articulating or remembering organizational goals—or vaguely connected their role with the organization's mission. Most expressed lip service to the tenets of the organization as they held their own personal motivations to be the most important rationale for cases. One director mentioned,

> I got my start in immigration work in college working with Central American refugees who were fleeing civil war and persecution in El Salvador and Guatemala. That's how I cut my teeth into the issue. It was both professionally challenging and seemed like the right thing to be doing. My first job after graduating from law school was also working with a faith based institution and their primary clientele were Haitians and Liberians. Those two situations, where there seemed to be injustices going on, and people were fleeing, it just seemed like the right thing to do. And I just carried that with me.

Across the eight directors, all previously volunteered with immigrant populations and some had even once volunteered at their current human service. Others started work as a continuance of their faith, previous experience working with non-American populations, or associated their work with language abilities and experiences abroad.

Since directors often had more definitive personal motivations than organizational goals, they often used the formal processes of the organization for unintended purposes. One way directors described strategically using intake for nonscreening purposes was to provide ancillary services that did not require funding or fulfilling mandates and quotas. Through the stages of intake, directors focused on both screening for eligibility and case requirements, but also used the interaction to seek and attend to other noncitizens' needs—regardless of taking cases. Many directors made statements such as,

> Our client line is often used by people that don't end up being clients, so we make a lot of referrals or give advice that way. If they call here and they try to naturalize and they find out that if they apply they'll get put in removal proceedings—that's a huge benefit for them [to know that information]. Even if we don't take their case, they'll learn something, get a referral to another organization or to serve their other needs, or understand that it might be more beneficial to not proceed with their case and that there are certain things that they can be doing to help them and to clearly understand the risks of their situation.

Participants also stated that they provided other services to the client such as making necessary referrals, providing talk therapy, disseminate advice, provide access to and understand forms and documents, and even aided in simple tasks like translation. These actions however did not result in substantive changes to the clients or services provided.

However, directors strategically used the intake process for other purposes that served both their interests and the interests of the organization. Intake became a method for organizational actors to prevent stress, employee burnout, and secondary traumatization. Though expressed by many directors, one particular director articulated this unintended effect of intake,

> I actually think there's a little bit of the intake process that I don't think most people would consciously say. It's very easy to be able to set up a gate and to say, look, here's our gate and because there are... there's this vision that there are heaps of people who need your help. The gate makes you feel safe. It helps to maintain—you could be doing a lot of crazy running around, and it helps to maintain a veneer of calm and efficiency.

To underscore how organizational actors used organizational practices to balance the commitments of their work with their best interests, all of the organizations stated that their clients came to them by word of mouth rather than outreach or active marketing,

> Sometimes you're in the room with people and you can feel the mood like we're doing the best we can. It's sort of like this entrenchment issue. And it's like I have to focus on what I'm doing well and I can't worry about… I've been in meetings where people are like "How do we make sure our clients can get access to services?"…. And there's like this unspoken, look there's a reason we don't advertise, like we don't need more people, we can't possibly serve them well. We don't want to look to redo or change. There's a lot of lip service to outreach, a lot of it is serious about reaching out to communities, but there's also this paralyzing fear like what happens if we do successful outreach… legal and social service workers are probably like, yeah, crap if we get 200 people showing up.

Despite having very clear motivations to help everyone, organizational actors also recognized their own interests and sought organizationally approved ways of protecting their interests and motivations. Differing organizational priorities for program continuity as well as efficient resource management influenced director's decisions and strategic use of intake. In order to satisfy both organizational priorities and individual interests, intake was commonly used as a method to decrease demand and access of noncitizens to services and minimize the groups of people that could possibly receive help.

Who Gets Served and Who Stays: Reaffirming Restrictive Regulation. Every human service prioritized cases by vulnerability, marginalization, and eligibility for welfare. In general, directors described the following as the target population,

> It's the vulnerabilities of the person and the availability of the person to get assistance elsewhere. Like if there's no one who is gonna take their case, or their capability to pay, or if they're a victim, or a child, or homeless. You're gonna want to take that case because they're really in need of some sort of benefit you're trying to get for them. When we're doing a citizenship case, it's not for some young person who speaks perfect English and doesn't have any crimes. It's for someone who has an issue that complicates their case…Lots of elderly people, lots of illiterate people, people who are not highly educated, who really need citizenship to access benefits, to get SSI, or they're refugees or asylees, or on the other side they're the victims of crimes.

However, in an environment with uncertain resources, directors carefully selected clients based on likely success. Directors would often express additional taken-for-granted informal requirements for selecting cases. Contradicting the repeated appeal to a client's welfare eligibility, organizational directors described opposing characteristics to the victimized and vulnerable constituency targeted. Almost unanimously dubbed as "merit," potential clients were strategically chosen on the basis of likely success.

Working against this uncertainty of producing successful cases, directors used intake to screen for characteristics and values that were not legally mandated eligibility requirements. While directors discussed clients using welfare rationales, clients were also evaluated on principles infused with neoliberal values of hard work and meritocracy,

People won't say this, but it's a lot easier to work with clients that have some initiative. And that's why there's an intake process, to get clients that are at least invested enough in this to seek help and follow up. It's really hard to represent someone if they're not going to work hard and show up. And for all social services workers and attorneys, it's like I'm willing to fight for you, but you need to fight too and I can't be the one doing all of the work. It's like how invested are you, are you going to show up, are you going to get this information for me. If they aren't able to clear that hurdle, all right. That for us is a sign that you're going to be a challenge to work with.

Although organizations were providing many services to their clients, and were primarily basing who received help within predictable welfare eligibility cases, directors continuously stressed auxiliary services as more important. Working with asylum, refugee, and convention cases were almost a subsidiary importance to providing them with "self-sufficiency" services.

Directors explained that a main goal for their clients was to help them get work permits and provide them with employment counseling. Individual agents often explained intake processes that essentially hammered in responsibility to clients. For example, the Refugee Agency often emphasized tutorials concerning money management, budgeting, and scheduling. One director stated,

In some ways a whole new set of problems are just beginning. Here there's no guarantee of housing, the only guarantee is this welfare, but only for a period of time. It's to teach them to work hard, and make sacrifices and lots of people have come to America as immigrants and been successful so it's totally possible to do it if they recognize they can't just sit around and have people take care of them.

Paradoxically, directors rationalized selecting whom to help based on two seemingly conflicting frameworks. Working in human services, directors often made choices that aided in restricting who had access to services. Comparing cases of merit, viability, and success likelihood, interview participants discussed it in terms of zero-sum numbers,

> If a case has merit, if there's a chance of winning, but it's not a very good case or there's lots of crimes involved for example, then we have to make a decision about whether it's worth our time to help one person with a very small chance of winning or taking on more cases with a higher chance of winning.

Directors measured success of potential clients by resorting to these types of market analogies. Individual cases were weighed on their likelihood of being successful and thus being an efficient use of monetary and human resources. Each case was evaluated on the basis of fulfilling abstract moral or personality characteristics, which were measured against estimates of expense. The evaluation of whom to help during the intake process mirrored the debates and restrictive nature of the immigration policy environment. Such restrictive considerations and limitations on eligible clients diffused across the human services. Although no director thought they were providing services to the same population, every organization reported helping the same types of noncitizens who all represented these narrow and contradictory characteristics.

Conclusion

This study sought to uncover how human service organizations and professionals interact with their regulatory environment and respond to uncertainty and ambiguity in their line of work to deliver services to noncitizens. In summary, human service organizations, though providing a vital service to noncitizens, play a limited role in

allocating rights to immigrants. Organizational effects and director discretion significantly narrow the types of cases and clients eligible for social services out of a very broad and expansive noncitizen population with varied needs and demands. Arising from the pervasive nature of government mandates and restricted funding, human service organizations adopt similar practices and patterns of restrictions in their other activities including client selection and case prioritization. These practices privilege only a specific set of cases: welfare eligibility, asylum, refugee, and crime victims. Additionally, professional networks perpetuate this narrow understanding of eligible cases through program referrals that develop diffuse and mutually beneficial professional expectations and standards of client screening. Further, in dealing with the uncertainty of broad missions and limited resources, human service directors act intentionally to serve their best interests and organizational priorities. In doing so, directors reaffirm a restrictive welfare and immigration environment by using intake to informally screen for a hierarchy of personal characteristics that only a narrow portion of noncitizens would fulfill. Finally, because organizational homogeneity and individual discretion proved to limit access to social services, noncitizens' ability to enjoy de facto citizenship and the legitimacy of social rights was constrained.

The findings of this study are generally consistent with other organizational studies that emphasize isomorphic pressures operating in organizational fields; however, this study finds that the effects of decoupling may reinforce legal mandates under certain conditions. Previous research discussed discretionary behavior of organizations and decision-making individuals to be decoupling, arguing that these decisions create legal

endogeneity that transforms the effects of law. However, unlike these settings, the human services environment assumes instability. Non-profit business models that rely on outside funding for revenue render organizations contingent upon other institutions and infuse the environment with mentalities that are perhaps less likely to take risks or diverge from practices that prove to efficiently use resources/maximize reimbursement revenue. Diverging from previous research, my study indicated that directors' discretionary action resonated and affirmed the ideals of the immigration regulatory environment—and rather than changing the effects of law, it reaffirmed its effects on the ground.

That being said, this study is somewhat speculative where it pertains to rights, particularly given the assumed validity of the inference that social services result in social rights. Noncitizens can experience social rights through a number of ways and other institutions, and the entirety of noncitizens' social citizenship does not rest on human service organizations alone. However, the relationship between social rights and social services is not tangential. The role of human services as one of the suppliers of social rights to noncitizens is not tenuous. Additionally, even though this study proposed that human services limit the eligibility and narrow the possibility of noncitizens gaining social rights through access to social services, this is not to ignore the benefit of human services to these and other groups. This study is nonetheless limited in understanding the full scope or breadth of coverage and the degree to which some noncitizens are excluded. Further, this study assumed that organizations operated under the same understanding of the immigration categories they discussed, though in some situations definitions could be expanded beyond formal legal understanding or differ slightly between organizations.

Additionally, the sampling of this study could be more proportionally representative of different human services. Though this study included a range of different types of services, sampling concentrated on legal service organizations. Although case selection was consistent across all of the organizations, the concentration of legal services could have overshadowed differences across service type.

Greater attention could be paid to providing precise understandings of such concepts as "trauma" and deconstruct the organizations use of "victims". Additionally, the involvement of clients and their own agency in the structuration of service provision could be considered. This study focuses on noncitizens and their access and enjoyment of social rights, but does not include their perspective in the exchange with human service organizations or how they actively complicate cases or client identification/identity. Further, many noncitizens experience stigmatization and fear of removal, which often discourages most from interacting with social institutions. The concentration of services to legally permissible welfare groups could be both a function of organizational priorities and a representation of those noncitizens willing to make themselves visible to "documentation" or susceptible to welfare stigmatization and shaming for using social support. More could be done to explore this contributing explanation. Further research would benefit from exploring the gaps in service delivery quantitatively and qualitatively. Larger scale studies of needs assessments and outreach surveys could determine the extent to which organizational and institutional processes affect noncitizen communities and service needs. The findings of this study necessarily direct us to the substantive

question; in what ways can human services improve to expand diversity of services and

client access?

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