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Non-Profits as Creators of Public Policy in Public-Private Partnerships

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Abstract

Much of modern state and federal government social services are provided through contracts and grants with human service nonprofit organizations (NPOs). Significant research has explored how government bureaucrats alter and effectively create public policy through their implementation choices. I argue that NPOs also alter public policy through their implementation of government contracts and grants. Through an in-depth single case study of a Vermont New American-serving NPO¹, I explore how the organization both conforms to government standards of accountability and alters or resists government policy restrictions that would have a negative effect on the community. I find that the case study NPO alters public policy by integrating new grants into existing programming and by using information asymmetry to expand program scope and client eligibility standards. However, the NPO is limited in their autonomy to negotiate changes in programs regardless of the quality of the relationship with a government funder and there is trend towards increasingly strict accountability requirements that may further limit NPO policy influence.

¹ New Americans is a term which refers to all foreign-born people currently living in the United States, regardless of immigration status.

Introduction

In 2012, federal, state, and local governments in the United States distributed \$81 billion dollars to human service nonprofit organizations (NPOs) (Pettijohn, Boris, De Vita, & Fyffe, 2013). At all levels of government, human service NPOs are paid to implement social policy through grants and contracts (*ibid*). This is especially true in the policy arena of refugee services. The Refugee Act of 1980 mandated devolution of social services provisions for refugees to the state level and incentivized the use of NPOs for service delivery (Benson, 2016).

Much of the literature on NPO-government partnership has emphasizes NPOs' "resource dependence" on the government (Knutsen, 2017; Selsky & Parker, 2005; Salamon, 1987). These authors suggest that the reliance of NPOs on government funding force them to carry out government policy objectives and follow strict accountability standards (Knutsen, 2017; Selsky & Parker, 2005; Salamon, 1987). However, there is also significant evidence from the fields of public management and nonprofit studies that NPOs alter, bend or even ignore government standards and expectations when those expectations conflict with the organization's mission (Wiley & Berry, 2018; Arvidson & Lyon, 2014; Bar-Nir & Gal, 2011; DeHoog, 1990; Fyall, 2017).

Yet, the policy implications of these actions have rarely been explored (Fyall, 2017). Most of the research on NPOs and policy focuses on their role as advocates and activists who try to nudge the government into different policy directions (Young 2001). However, NPOs also develop and alter policy through the implementation of government policy objectives. Scholars of public policy have long acknowledged that policy is created in part by those the government employees who implement it at the "street-level", but few researchers have extended these considerations to NPO grantees (Lipsky, 2010; see also Matland, 1995).

There is reason to believe that NPO service providers will act in different ways than government service providers as implementors of public policy. First, NPO service providers generally have specific missions that may not align with the government's overall goal of providing equitable services to the general public (Fyall, 2017; Smith & Lipsky, 1993). Moreover, the systems of contracting and accountability that NPO partners must adhere to are different from the systems of accountability present in a hierarchal bureaucracy (Fyall, 2017; DeHoog, 2012; Van Slyke, 2006).

In this paper, I examine how NPOs create public policy through strategic implementation choices, using the case study of a small refugee and immigrant serving NPO. Specifically, I will explore how this organization both conforms to government standards of accountability and alters or resists government policy restrictions that would have a negative effect on the community. To what extent do NPOs and their staff have the ability to resist government policy aims, and what methods do they use to accomplish these aims?

This research is particularly important because it comes at a time where there is a high level of tension between the policy aims of the federal government and the objectives of refugee-serving NPOs. The primary goal of the case study organization is to provide support and opportunity for New Americans. In contrast, President Trump has displayed a high degree of animus towards immigrant and refugee communities, frequently alleging that refugees could be ISIS operatives, despite lack of evidence for such claims (National Immigration Law Center, n.d.; White, 2016). Therefore, there is likely to be a high degree of conflict between the policy objectives of the federal government and that of the case study NPO. Policy implementation theory suggests that in areas of high conflict between government policy and the aims of low-

level bureaucrats, bureaucrats are more likely to attempt to resist the policy and act as policy creators (Matland, 1995).

To examine the public policy influence of the case study NPO, I use a mixed-method analysis of archival grants documents and interviews with NPO staff members and government partners who manage grants held by the organization. First, I explore previous research in the fields of nonprofit studies, public management and public policy. Then, I describe the historical background of immigration and refugee policy. Third, I explain the unique features of the case study organization, specifically examining its status as an ethnic community-based organization (ECBO). Finally, based on my research, I argue that the case study NPO and its staff make public policy in significant but limited ways. Specifically, I find that the NPO is able to alter program scope and eligibility requirements to serve a broader range of clients more fully. However, their influence is limited because of their own resource constraints, as well as by multi-level restrictions imposed from the federal government. Moreover, I find that there is little direct evidence of the impact of current Trump administration policies, but that there is a larger general trend towards stricter methods of accountability that may limit NPO policy influence.

1. Literature Review

Scholars have long struggled to find a single definition of an NPO. Laville et. al. broadly differentiate civil society organizations from for-profit enterprises based on four main features (Laville, Young, & Eynaud, 2015). In contrast to for-profit enterprise, these organizations have decision-making power derived from participation in activities, common shared goals, an organization which is influenced by stakeholders rather than shareholders, and no distribution of residual profits (ibid). Similarly, Smith & Lipsky define community organizations as organized groups that represent and act on shared values through voluntary action (Smith & Lipsky, 1993). However, they stop sort of calling these groups NPOs because legally, within the United States, organizations must file IRS forms to be considered a tax-exempt NPO (ibid). Regardless of whether non-recognized groups should properly be considered NPOs in academic sense, this thesis focuses primarily on legally recognized groups because such legal recognition is a prerequisite for receiving almost any type of government funding.

Furthermore, NPOs can serve many purposes beyond social services, such as religious groups, clubs, arts organizations, and cultural groups (Smith & Lipsky, 1993; Jenkins, 1980). However, because the focus of this thesis is on social service provision through grants and contracts, the remainder of the literature review consists largely of authors analyzing NPOs which provide social services.

Early theories of NPOs did little to account for government and NPO partnerships. Economic theories emphasized NPOs ability to provide services that could not be produced by the government or the market. Weisbrod's government failure theory suggests that NPOs exist to provide services that would not be attractive to the most voters, and thus are not provided by government policy (Weisbrod, 1977). In a similar vein, Hansmann's contract failure theory

suggests that NPOs exist because for certain services, consumers cannot gather adequate information to make a good choice in the free market (Hansmann, 1980). In this situation, NPOs are more trustworthy than for-profit firms because they have no reason to cut quality as they cannot profit from the services provided (Hansmann, 1980). Political theories also emphasize NPOs as separate entities from the government which serve as political advocates for the values and policy preferences of specific communities (Smith & Lipsky, 1993). None of these perspectives is wrong, as some NPOs do exist to provide services that the government does not or explicitly to oppose government policy choices (Young 2001; Najam 2000). However, they fail to consider the role of NPO-government partnerships (Young 2001; Najam 2000).

Failing to consider the role of government-NPO partnerships is a major issue for any theory about NPOs. Beginning in the 1960s and 1970s, the government rapidly increased the funding for social services as a result of the War on Poverty, a policy initiative to eliminate poverty through provision of social services (Smith & Lipsky, 1993 p.84; Grønbjerg, 2001). Because states could increase the amount of funding they received by partnering with an NPO that provided matching funds, much of this money was channeled into NPOs, thus dramatically increasing the scale and scope of government-NPO partnerships in social services (Smith & Lipsky 1993 p.54-56). In the 1980s, the landscape for social services was altered drastically again by the popularization of neoliberal ideology. Neoliberalism is sometimes viewed as primarily about deregulation (Peck & Tickell, 2002). But just as importantly, neoliberalism also restructured the ways in which government is perceived and how it functions (ibid). Neoliberalism has had three main impacts on the provision of social services through NPO-government contracts. First, neoliberal discourse promotes the idea that market failures are minimal, and that welfare discourages hard work, ideas which have led to massive cuts in

funding for social services (Keevers et. al., 2008). Because they believe that government is intrinsically inefficient, neoliberal reformers “devolved” funds and responsibility for social services to state and local governments (Grønbjerg, 2001; Smith & Lipsky, 1993). Finally, neoliberal discourse suggests that market competition is the most efficient form for all services, and thus suggests that social services should be provided through a market-like contracting process, with an emphasis on high levels of accountability and strict contract terms (Keevers et. al., 2008; Schmid, 2004; Bradford, 2003).

Together, these changes have created a “hollow state” in which governmental agencies rely on other governmental agencies, NPOs, or for-profit companies to provide social services, creating layers of separation between the source of funds and the ultimate recipient (Milward & Provan, 2000). In many situations the source of funds is federal, which is then given to a state agency, who then makes a contract with an NPO or a for-profit company to provide services (ibid). This system is also known as third-party governance (Salamon, 1987).

Beyond the political discourses of neoliberalism, third-party governance also serves a number of other strategic purposes for governmental actors in politics. By contracting out services to NPOs, government effectively masks the government’s role in service provision to clients and citizens (Salamon, 1987, Smith & Lipsky 1993, Schmid, 2004). This reduces the ability of citizens to hold the government accountable for program actions and consequences (Salamon 1987, Smith & Lipsky 1993, Schmid, 2004). Politically, it also protects politicians from the backlash they might face for increasing the size of the government while allowing them to increase the scale of potentially popular public services (Salamon, 1987). Creating a separation between government and service provision can also be a strategic way to discourage people from thinking of welfare as an entitlement, making it easier to cut or charge for services

later on (Schmid 2004). Finally, government actors may see third-party governance as a way to include multiple stakeholders and provide more culturally responsive services (Bradford 2003; Smith & Lipsky 1993).

Third-party government theory explains why governments would support government-NPO partnerships. But why do NPOs pursue these relationships? Salamon suggests that NPOs participate in government-NPO partnerships primarily because the NPO sector lacks effective funding, especially in times of economic hardship when services are most needed (Salamon, 1987). In one sense this funding can be critically important for providing services and creating new programs. Yet, such relationships may have consequences for the political mission of NPOs.

Particularly, many authors argue that NPOs' resource dependence on the government as a source of funding has a negative impact on their ability to be advocates for their community. Receiving government funding creates a tension between the desire to criticize government actions that harm NPOs clients and communities and the NPOs' reliance on government funding that may lead NPOs to engage in less advocacy activities (Salamon, 1987; Smith & Lipsky, 1993; Young, 2001). A common concern shared by many authors is that government partnership leads to an over-professionalization of NPOs. Because governments hold the power to set accountability and reporting standards that require professionalized knowledge, they are able to force NPO culture to alter to the professional norms of government (Smith & Lipsky 1993; Knutsen, 2017; DiMaggio & Powell 1983). Over-professionalization is damaging to advocacy efforts as professionalization can de-radicalize community activists, and career NPO workers may be wary of aggressive advocacy so that they do not damage future career prospects within government (Kallman et. al. 2016; Smith & Lipsky 1993). Another concern of resource dependence is that NPOs' mission to the community may be warped by the desire to pursue

funding sources above all else (Salamon 1987; Salamon & Toepler, 2012; Smith & Lipsky 1993). This may also lead in a shift in NPO advocacy from advocacy for the community to advocacy to maintain current levels of funding (Smith & Lipsky, 1993). Finally, some authors worry that resource dependence will result in a “new paternalism” where NPOs become primarily focused on controlling client behavior rather than community empowerment due to government norms and funding requirements (Keevers et. al., 2008). For example, NPOs providing welfare-to-work services often found themselves forced to provide the same paternalistic welfare programs despite desires for client empowerment due to the requirements of their contracts (Hasenfield & Powell, 2004).

However other authors reject the idea that resource dependency intrinsically leading to less advocacy on theoretical grounds. Najam argues that while government partnerships might change the forms of advocacy an NPO chooses, with an emphasis on less conflictual methods, the amount of advocacy may be the same (Najam, 2000).

Empirical evidence for resource dependence is mixed (Salamon & Toepler, 2012). This is in part because defining advocacy activities is difficult, and thus studies looking at advocacy may find different results depending on what activities are considered advocacy (Smith & Pekkanen, 2012). Looking at European countries, Bloodgood & Tremblay-Boire find that even when government does not intend to suppress advocacy, NPOs that receive funding are nonetheless less likely to engage in lobbying activities (Bloodgood & Tremblay-Boire, 2017). In Belgium, Verschuere & De Corte find that receiving federal government funding is associated with a decrease in advocacy but receiving money from local sources is associated with an increase in advocacy (Verschuere & De Corte, 2015). In the US context, Smith & Pelliham find

that larger organizations which receive more government funding are more likely to engage in advocacy (Smith & Pelliham, 2012).

Resource dependence is obviously a significant concern for NPOs who are partnered with government. However, given the mixed results of studies looking at resource dependence there is no reason to believe that NPOs will stop working towards their own policy goals while in partnership with government.

In terms of advocacy, NPOs have developed methods of increasing their own power to reduce resource dependence. One such strategy is policy or advocacy coalitions. Policy coalitions are groups of multiple NPOs within a given service area or policy field who come together to form a single advocacy group (Fyall, 2016). These coalitions can reduce NPO resource dependency by allowing NPOs to engage in advocacy while using the coalition as a method of protecting each coalition member from retribution for critical stances (ibid).

Additionally, NPOs have other sources of power that can sometimes counter resource dependency. In some instances, NPOs act as “funding levers”, where state and local governments are to access more funds from government or private sources than they would be otherwise able to because of their partnership with an NPO (Fyall, 2016). In this scenario, NPOs can use their power as a source of additional funds to promote their own policy goals (ibid). NPOs can also gain power by being a provider of a niche service or by being the only NPO provider of a service in a given area (Hasenfield & Powell, 2004; Bar-Nir & Gal, 2011).

While there is significant research on NPO resistance to government policy objectives through advocacy, there has been less attention to other ways NPOs can resist government policy objectives through government contracts and grants. On one level, NPOs achieve policy goals by

providing specific policy-related feedback about the programs they are running to government partners (Fyall, 2017; Kellerher & Yackee, 2009; Verschere & De Corte, 2015). Beyond this, NPOs can often influence public policy through the act of implementation of government contracts and grants.

The earliest theories of policy implementation treated implementation as fundamentally a top-down process which was successful when those at the ground-level accurately implemented whatever the law set out to do (Mazmann & Sabier, 1983). For believers in top-down implementation, the act of implementation should be distanced from the process of policy making (Osburne, 2006). There is some validity to this perspective. Normatively, in a democratic society the public should set priorities through democracy, and policy implementors should be held accountable to the policy priorities (Salamon, 1987). However, as many authors have recognized, the policy preferences of the public which are expressed through specific policies and rules are rarely clear, obvious, or intended to cover every possible scenario (Lipsky, 2010; Stone, 2012; Matland 1995; Hupe & Hill, 2016). In fact, policies are often deliberately written to be ambiguous because the people who created and voted on the policy itself have different notions of what the policy should do or how they should do it (Matland 1995; Stone, 2012). Therefore, to implement most policies, policy implementors are likely to shape and alter that policy as there is no one clear policy they should follow.

As opposed to a top-down perspective on implementation, Lipsky argues that implementation is a bottom-up process (Lipsky, 2010). Lipsky contends that low-level bureaucrats who are in charge of distributing resources make policy through their choices about who to distribute resources to and what resources will be distributed to them (ibid). These workers, who Lipsky calls “street-level bureaucrats”, have this control of policy because their

jobs require them to have significant discretion and autonomy in the distribution of inherently limited resources, discretion and autonomy which derive from the fact that rules cannot be made that accurately cover all situations they must deal with and because outcomes in human services are difficult to measure (ibid). While empirically Lipsky acknowledges that street-level bureaucrats make policy, normatively Lipsky sees this as potentially problematic because allowing bureaucrats discretion can lead to a privileging of certain clients who are seen as more “worthy” (ibid). However, this discretion can also be used by bureaucrats to resist immoral policies (ibid). Importantly, Lipsky is not arguing that street-level bureaucrats make policy in a vacuum, rather that they make and change policy within the larger policy context (ibid).

Beyond the dichotomy of top-down and bottom-up implementation, Matland argues that the degree to which implementation is driven from the top or bottom depends on the amount of ambiguity in the policy and the amount of conflict the policy generates (Matland, 1995). Policies which have low conflict and low levels of ambiguity typically have a top-down administrative implementation which is likely to be successful as long as sufficient resources are devoted to implementation (ibid). When ambiguity is low but conflict is high, implementation is likely to be highly political with top-down policymakers needing significant political power to coerce implementors into implementing the policy as specified (ibid). When ambiguity is high but conflict is relatively low, implementation tends to be experimental and policy is driven primarily by the bottom-up and local contextual factors determine the success of implementation (ibid). Finally, when conflict and ambiguity is high, policies tend to be implemented symbolically and the strength of the coalition of bottom-up implementors determines the type of implementation and how successful it is (ibid). Matland’s theory problematizes the simple dichotomy of top-

down and bottom-up implementation and points to the importance of understanding the policy context in understanding how implementation shapes policy.

Beyond the policy context, the ability and ways in which NPOs shape policy through implementation are likely to depend on the type of contracting relationship the NPO and the government agency have entered into. The ideal neoliberal model suggests that the contracting environment should be a competitive marketplace of providers frequently bidding so that the government can receive the lowest price and most efficient services (DeHoog, 2012). This competitive contracting model does not distinguish between NPOs and for-profit firms, allowing both to place bids (Salamon & Toepler, 2012). Once a contract is created, it is expected that the NPO partner will be held to strict account with clear performance standards based on a complete specification of service requirements created by the government (DeHoog, 2012). Beyond just neoliberalism, the theoretical basis for this type of relationship is rooted in theories of new public management (NPM). NPM emphasizes control through business-like management structures, prioritizing professionalization and managerialism over community knowledge (Keevers et. al., 2008; Osborne, 2006).

While NPM-style competitive contracting emphasizes strict adherence to rules unilaterally set by the government, it does provide some opportunity for NPO agency. The principal-agent model suggests that when a principal contracts with an agent, the agent can take advantage of the fact that there is an information asymmetry between them which favors the agent (Van Slyke, 2006). That is, the principal cannot ever fully monitor the agent, and the agent can use this fact to follow its own agenda (ibid). Typically, it is assumed that agents will maximize their own resources in P-A theory, but NPOs may also use information asymmetry to achieve political gains (ibid).

While competitive contracts are often the ideal for neoliberal politicians implementing a contracting system, government contracts rarely actually follow this system for a number of logistical and practical reasons. First, for many social services there are not enough providers to actually have a competitive marketplace (DeHoog, 2012). When there are only a few providers for a particular service, these providers have no incentive to provide low-cost services in a competitive model as there are likely no feasible alternatives and the system breaks down (Bar-Nir & Gal, 2011). Second, this process assumes that both government and NPO have at least somewhat sufficient resources to participate in this contracting and monitoring system each year (DeHoog, 2012). Government agencies rarely have the resources for intensive monitoring of social service contracts (Van Slyke, 2006). Moreover, even with significant resources it is very difficult to measure the quality of human services (Smith & Lipsky, 1993). These problems are further exacerbated by the fact that the nature of competitive contracting encourages overpromising on what an NPO can deliver in order to receive the contract (Van Slyke, 2006). Finally, because this process requires the government to set out the terms of the contract before the bidding process begins, there is very little flexibility in the contract to adapt to shifting needs and priorities throughout the contract term (DeHoog, 2012). This is problematic because government agencies cannot always predict how client needs will change over the course of the contract (ibid).

Oftentimes collaborative contracting models are used, as these models take into account low level of resources and the need for flexibility in the provision of social services (DeHoog, 2012). While competitive contracting models are associated with NPM, collaborative contracting models are associated with New Public Governance (NPG), a theory which emphasizes the importance of relationships between actors and the trust and reputation that actors build over

time (Osburne, 2006). Two theories about NPO-government partnership and contracting take this perspective. The first is network governance. Network governance emphasizes that in the hollow state, government and NPOs are connected via networks of providers (Milward & Provan, 2000). Milward & Provan suggest that while control and accountability are critical for maintaining effectiveness, so is the stability of the network and the relationships between providers of social services and government agencies (ibid). In this way, network governance “softens” neoliberalism with an emphasis on collaborative approaches and coordinated response among the whole government (Keevers et. al., 2008).

A second theory of collaborative contracting is the principal-steward model. The principal-steward model suggests that contractual relationships involve trust and that the government will choose to contract with organizations that they trust and who have a good reputation (Van Slyke, 2012). In this model, the government and the NPO are assumed to be working towards the same overall political goals (ibid). This is a critical assumption because for collaborative models to be truly effective, the government and the NPO must agree on the common goals of the program they are jointly creating (Selsky & Parker, 2005; Brown & Trout 2004). When both partners share a common goal the transaction costs are lower and less monitoring is required (Van Slyke 2012, Brown & Trout, 2004). Within principal-steward relationships NPOs can express their policy preferences by acting as a key advisor on the level and type of services the program should provide based on their community knowledge (Van Slyke 2012, Salamon & Toepler 2015; DeHoog 2012). Moreover, the NPO is frequently not held to the letter of the contract but is instead is trusted to change and alter the program to meet community needs (DeHoog, 2012).

The principal-agent and principal-steward models of government contracting describe different forms of contracting, but both can and sometimes do exist at the same time in the same government agency. Van Slyke suggests that in urban areas, where there is typically more service provider choice, government-NPO relationships start out as principal-agent (Van Slyke, 2012). However, over time, reliable providers gain status as “preferred providers” and the relationship slides to somewhere in between a competitive and a true collaborative model in which trust and reputation are used as a heuristic to judge whether an NPO should be granted new contracts (Van Slyke, 2012).

Another middle-ground between competitive and collaborative models of contracting is the negotiated contracting model (DeHoog, 2012). Like in the collaborative model, this model assumes that there are typically only a few providers to choose from in the “market” of service providers (ibid). However, unlike the collaborative model, the negotiated model does not require NPOs and government to have the same program or policy goals (ibid). Instead, the NPO and government negotiate over the terms of contract prior to signing an agreement (ibid). Once an agreement is signed, there is still some flexibility to alter the program during the implementation stage through another round of negotiations between the NPO and government (ibid). In this model, the NPO expresses their policy preferences through the negotiation process.

Studies of NPOs demonstrate that NPOs use information asymmetry and other advantages they have in the contracting process to pursue their own goals. Looking at domestic violence advocacy NPOs, Wiley & Berry find that organizations choose the extent to which they will comply with government based on the potential sanctions they face if they do not comply as well as the importance of client needs (Wiley & Berry, 2018). When costs for noncompliance are high, domestic violence advocacy NPOs are likely to comply with government regulations (ibid).

However, they may also develop ways to appear to be in compliance without actually being in compliance, such as billing clients for services but telling them not to pay these bills (ibid). When the risk of losing funds is lower, NPOs are likely to use multiple sources of funding to find workarounds or loopholes to provide services while technically being in compliance (ibid). Finally, when NPOs have no way of reconciling client needs and contract requirements but risks are low, they may choose to ignore government rules entirely (ibid). For example, they may choose to lie on timesheets about what type of work they were doing, so that the work is funded (ibid). Thus, as Van Slyke theorizes, domestic violence advocacy NPOs use information asymmetry to provide the services they believe their clients need, rather than the services government policy is mandated to cover.

Another example of policy resistance through implementation is Arvidson & Lyon's study of the effects of social impact measurement on NPOs. Many NPOs dislike this form of evaluation because it represents a threat to the autonomy of the NPO and can often clash with the mission of the NPO, such as when evaluations ask for information that caseworkers feel is not ethical to divulge (Arvidson & Lyon, 2014) While social impact measurement represents an additional form of governmental control, NPOs are able to resist this control because they are able to exercise discretion in what to measure, how it is measured, and how to value outcomes in their reporting to government (ibid). NPOs harness the information asymmetry and the discretion afforded to them to promote their own policy objectives.

In a study of refugee and immigrant serving NPOs, Trudeau similarly finds that NPOs resist government policy by working around government eligibility requirements. In a survey of refugee and immigrant serving NPOs in Minneapolis-St. Paul, Trudeau found that a significant proportion of the NPOs surveyed provided some sort of support to those not eligible for

government-funded programs (Trudeau, 2008). These NPOs either offered informal assistance to those not eligible, sought outside funding to supplement government contracts and grants to provide for those not eligible, or simply included people who are not eligible but left them off of their reports to government officials (Trudeau, 2008). Moreover, most executive directors in that study reported that they selectively chose grants and contracts that aligned with their organizational mission (ibid, p.2817).

Similarly, Fee finds that workers at refugee resettlement agencies strategically “decouple” reality from the paperwork they file (Fee, 2018). This “decoupling” occurs for two primary reasons. First, caseworkers must cope with an inherently constrained funding environment, in which what limited funding is available is conditioned on high expectations for outcomes and documentation of these outcomes (ibid). This results in caseworkers “decoupling” outcomes on paper from outcomes on reality to protect themselves from losing funding and therefore their jobs (ibid). Second, caseworkers “decouple” reality from paper in order to appease refugee clients by stretching eligibility requirements and allowing clients to receive supports even if they do not comply to the required steps (ibid). While caseworkers and government officials actually broadly agree on the goals of the refugee program, caseworkers are forced to take these steps because of resource constraints (ibid).

In studies by Trudeau and Fee, refugee and immigrant-serving NPOs were able to resist government policy through information asymmetry by widening eligibility standards or taking other actions without reporting this to government partners. In both cases, the primary motive of these actions was to provide quality services and protect the organization from loss of funding.

As both theoretical models of contracting and case studies of NPO resistance to certain government accountability standards demonstrate, NPOs have a wide variety of tools and

methods for resisting government policy through the implementation of that policy. Critically, none of these relationships resemble the hierarchal structure of government bureaucracies (Fyall, 2017). Many authors in the field of policy implementation suggest that the theories of policy implementation created to describe implementation by government agencies are just as able to explain NPO implementation (Lipsky, 2010; Smith & Lipsky 1993). Lipsky suggests that NPO staff will act as street-level bureaucrats in the same way that government-hired bureaucrats will because of the high standards for NPO accountability and because professional norms are the same for both types of organizations (Lipsky, 2010). While it may be true that there are high standards set by government officials, as literature on contracting and NPO resistance to government accountability standards make clear, it is not a given that accountability is the same in NPOs as it is in government agencies.

An alternative perspective which emphasizes the unique position of NPOs in implementation is Fyall's advocate-provider framework (Fyall, 2017). Fyall emphasizes that NPOs are both implementors and advocates in the policy process, and that these two functions are related (ibid). As service providers, NPOs do act as street-level bureaucrats, but there are several important differences between them and traditional government agency street-level bureaucracies (ibid). First, the methods of accountability used to control NPOs are very different than those used in hierarchal government agencies. Fyall suggests that NPOs tend to have more discretion than typical for government agencies (ibid). Moreover, depending on the type of contracting relationship, the reputation of the provider and the resources the government has for monitoring, NPOs may have even more discretion and autonomy, which may lead to greater influence over policy outcomes. Second, NPOs have unique missions to serve particular communities or community needs, rather than a broad commitment to the public good (ibid).

This may lead NPOs to shape policy in specific ways to benefit particular community groups that represent their clientele (ibid). Third, unlike with government agencies, managers at NPOs are also likely to exhibit discretion in unique ways because of NPOs' different accountability requirements and mission as compared to government agencies (ibid). Finally, NPOs might be different in terms of policy implementation because of their role as contractors. As Wiley & Berry suggest in their study of domestic violence advocacy organizations, the decisions NPOs make about shaping policy through implementation may depend on the perceived danger of losing a contract (Wiley & Berry, 2018). Thus, staff at NPOs do act as street-level bureaucrats and NPOs are policy implementors, but they are likely to be different in important ways from their counterparts in government agencies.

Despite the power asymmetry between government and NPOs that can negatively impact NPOs who are partnered with government, there is some evidence that NPOs continue to express their policy preferences both as advocates and as implementors of public policy. Drawing from public policy literature, it is clear that NPOs can act as "street-level bureaucrats" who make public policy via their implementation choices. However, research from public administration of non-profit studies fields suggest that NPOs will differ from government agencies as implementors and this may affect how and when they shape policy according to their own preferences during implementation.

2. Methodology

This thesis examines a case study of a single refugee and immigrant-serving NPO in Vermont. Typically, studies of government-NPO relations and their policy impacts use one of two methodological approaches. The first approach is large sample size surveys of organizations (Fyall & Allard, 2017; Smith & Pekkanen, 2012; Gazley, 2008; Verschuere & De Corte, 2013). The second method is in-depth case studies of one or more organizations using interviews, participant observation and archival research (Furneaux & Ryan, 2017; Arvidson & Lyon, 2013; Harrison, 2016; Brown & Troutt, 2004; Bar-Nir & Gal, 2010).

For this thesis, I have selected a case study approach. Eisenhardt suggests that cases should be chosen in which the concept of interest is most easily observable (Eisenhardt, 1989). Thus, on a theoretical level, this case is suitable because the case study organization relies primarily on government funding and there is likely to be goal conflict between the government and the organization in the area of refugee social services. As such, I expected it would be more likely that the NPO would want to alter or change government policy.

On a practical level, I chose this organization in part because I had the ability to access information about the grant process. I began working with the case study organization last year, primarily assisting with the evaluation of their youth programming. Being an organizational insider can present certain ethical challenges as a researcher. Working at an organization can result in a researcher having access to privileged information that could harm an organization (Ybema, 2009). This is especially true in this case, as I signed a non-disclosure agreement for my original work. However, many researchers study NPOs they have also worked with in other capacities, such as being a volunteer or on the board (Fujiwara, 2005; Bloom & Kilgore, 2003; Fee, 2018). To try to minimize these ethical risks, I received prior approval from the Executive

Director for all the archival information I used, and permission from each person I interviewed. Additionally, while the observations I made during my initial work at the organization guided the direction of my thesis, I have only included information in this thesis that I received permission to use.

This research examines only a single case study. Some researchers suggest that cross-case examination of multiple cases is best because it increases the validity and generalizability of case study research (Eisenhardt, 1989; Harrison, 2016; Furneaux & Ryan, 2017). However, scholars in sociology and anthropology have long argued that a single case study allows a researcher to better understand the complexities of processes and systems (Smith, 2005; Yin, 2018). In defining her concept of institutional ethnography, Smith argues that by approaching a case organization from the perspective of individuals through texts such as archival research and interviews, researchers are able to better examine how local conditions are impacted and altered by extralocal and translocal relations (Smith, 2005). Similarly, Schneider asserts that ethnography enables researchers to understand a single case in the context of a larger social system (Schneider, 2006). Consistent with this, scholars in nonprofit and implementation studies typically select single-case studies when the goal is an in-depth complex description of the behavior of various actors (Bar-Nir & Gal, 2011; Cornforth, Hayes, & Vangen, 2015; Vu, Nguyen, Tanh, & Chun, 2017; Fee, 2018). Because the primary purpose of this research is to understand how the macro-level systems of accountability and policy impact and are impacted by local-level decisions by NPO staff, the single case study approach is suitable. Additionally, to increase validity, I compared the case to past literature which both supports and conflicts with the findings from this case study (Eisenhardt, 1989; Yin, 2018).

I used semi-structured interviews with NPO staff and government partners and archival research of the organization's grants and contracts as the two primary methods of collecting empirical data. The combination of these two methods is frequently used within case study research (Furneau & Ryan, 2017; Harrison, 2016; Bar Nir & Gal, 2011; Yin, 2018). There is widespread recognition among scholars that when multiple lines of evidence converge upon a theoretical conclusion, the validity of that conclusion is strengthened (Lipsey et. al., 1981; Caracelli & Greene; 1997; Eisenhardt, 1989; Yin, 2018).

I conducted semi-structured interviews with 5 government partners and 3 staff members at the case study organization. Interviews are frequently used in case studies of NPOs and NPO-government relationships (Trudeau, 2007; Furneau & Ryan, 2017; Hansfield & Powell, 2008; Van Slyke, 2006; Arvidson & Lyon, 2013; Fyall, 2016; Wiley & Berry, 2018; Harrison, 2016). As a research method, interviews provide information on the diverse experiences, behaviors, and opinions of participants (Dunn, 2010). In the context of a study of an organization, interviews can provide information on the sense-making strategies people use to understand and conceptualize processes and changes to those processes (Alexiadou, 2001). One limitation of these interviews was that there are fewer than would typically be required for a representative sample. However, this is less of a concern for this research because all interviewees were key informants, and the main purpose of the research was to understand their processes and activities, rather than to understand their particular opinions.

Recruitment emails were sent out to all state and local government partners who had been involved in a grant or contract agreement with the case organization in the last 3 years. Contact information for government partners was taken from the case study organization's archive of grant agreements. Because the focus was on government partners, contacts at foundations and

other sources of private funding were not contacted. Additionally, federal officials were not contacted because federal grants were less likely to have one clear point person, and federal officials are limited in their ability to respond to research requests. Recruitment emails for staff interviews were sent out to all members of the case organization who are responsible for managing and reporting on the outcomes of at least one grant or contract. Including as many staff who are involved in the grant and contract process as possible was an important aspect to this research, because policy is not just altered at the level of the organization but also at the level of the individuals who makes critical decisions about what to do and how to measure it each day (Smith & Lipsky, 1993; Arvidson & Lyon, 2013; Harrison, 2016).

Interviews were semi-structured and lasted between 15 and 45 minutes. Interviews with organization staff tended to be shorter than interviews with government partners. A full list of interview questions for both government partners and NPO staff is included in the appendix. Interview questions were derived from theory found in the literature. Interviews with government partners focused on the process of deciding which organizations receive grants and contracts, how they react to an NPO partner who wants to change elements of a program and how they hold NPOs accountable. Interviews with government partners focused on their general process, rather than specific grants they held with the case study NPO because many government partners were not comfortable speaking about their relationship with a particular organization. Interviews with staff and management at the case study NPO focused on how they chose which grants to pursue, how they go about making changes in programs, and how they manage government accountability standards and eligibility requirements.

To maintain confidentiality, names, positions and specific details about programs have been removed from the interview transcripts. Additionally, all participants were sent a copy of

their interview transcript and given the opportunity to strike any part of their interview from the transcript. One of the challenges of maintaining the confidentiality of all participants was that the number of New American-serving NPOs in Vermont is very small. Therefore, I have chosen to avoid referencing specific examples in my findings when I felt that those examples could jeopardize confidentiality.

Interviews were coded using codes first deductively determined from the literature on NPO-government relations and then refined through an iterative process of examining the literature and key themes within the interviews themselves. From 12 thematic codes, I derived 11 main themes, which are discussed in the findings section.

In addition to interviews, I collected information on 140 grants or contracts from the years 2006-present, including looking at grant proposals, agreements, evaluation and performance measures and other related documentation. Archival research complements interview data in part because documents “exist separately in time and place from their author” and thus can serve as a window into past decision-making and thinking that cannot easily be accessed from an interview occurring in the present day (Bar Nir & Gal, 2011).

Proper analysis of this research presented some challenges. While this data encompasses a large amount of information, it may not be representative of grants and contracts held by the organization overall. For example, it is possible that documentation was kept for larger grants, or that certain types of grants or contracts required more documentation. Therefore, more complex statistical analyses are not necessarily appropriate. Instead, I primarily used the archival research to show areas of convergence with interviews to increase the validity of those findings.

While this archival research provides an important view of what occurred, there are theoretical reasons to believe it does not accurately reflect all aspects of reality in this case. Past research has found that one strategy NPOs use to meet government standards is to decouple what actually occurs from the paperwork that is required (Wiley & Berry, 2003; Fee, 2018). For instance, some domestic violence advocacy groups chose to bill clients to meet requirements but encouraged clients not to pay those bills (Wiley & Berry, 2003). Similarly, refugee-serving resettlement organizations often engaged in “paper integration” where reported outcomes were decoupled from actual conditions (Fee, 2018). While this is a possible concern, by triangulating information from both interviews and archival research the impact of any possible decoupling is minimized.

3. Explanation of Case

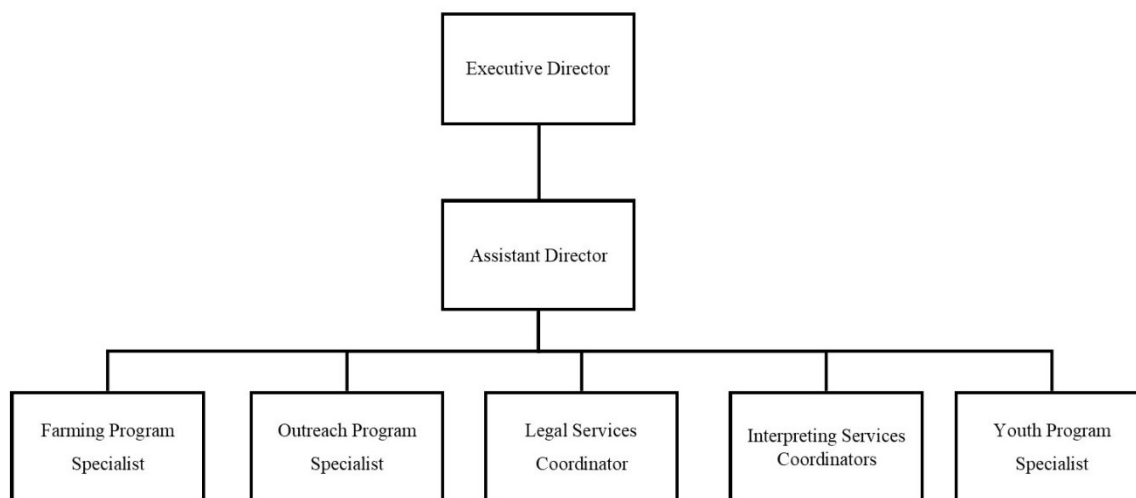
This thesis is a case study of a small to mid-sized ethnic community-based organization (ECBO) in Vermont which provides multiservice social services support to New Americans. The social services provided by this organization include legal services, case management and employment services, services to senior citizens and youth, domestic violence and sexual assault advocacy and support, translation services, and agricultural programming (see Figure 1). This organization was founded in 1999 and expanded in 2009 to include all New American arrivals to Vermont. The organization has roughly 7 to 12 staff members including caseworkers, program specialists and management, all of whom hold at least a bachelor’s degree and many of whom who hold graduate degrees. Additionally, the organization hires many contractors who act as interpreters for the organization. Figure 2 shows the organizational structure of all program-level staff at the case study organization.

Figure 1: Services Provided by the Case Study Organization

Legal Services	<ul style="list-style-type: none"> • Citizenship Instruction • Citizenship and Immigration Legal Services
Youth Programming	<ul style="list-style-type: none"> • Youth Mentoring Program • Youth Health Education
Sexual Assault and Domestic Violence Prevention	<ul style="list-style-type: none"> • Sexual Assault Survivors Support Groups • Assistance to Domestic Violence Survivors • Substance Abuse Prevention Activities
Case Management	<ul style="list-style-type: none"> • Flexible services in employment, housing and integration
Employment Training	<ul style="list-style-type: none"> • Home Healthcare Worker Training
Agricultural Programming	<ul style="list-style-type: none"> • Community Gardens • Farm Training Program

Interpretation Services	<ul style="list-style-type: none"> • For-fee Interpreter Services Provided to Local Entities
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Figure 2: Case Study Organizational Chart



Generally defined, ECBOs are a particular type of NPO in which members of an ethnic community create and run an organization to aid other members of that community or communities (Jenkins, 1981). ECBOs have three defining features. First, a majority of the staff, clients and board are from the same ethnic group or groups (ibid). Second, ECBOs usually incorporate various aspects of their ethnic culture or cultures into programming, such as providing culturally-specific food, recognizing culturally-specific holidays, and providing bilingual services (ibid). Finally, ECBOs emphasize building ethnic pride and consciousness through representation and leadership of people from the same ethnic groups the ECBO is created to support (ibid).

Not all ECBOs are focused on providing social services, with the most common forms of ECBOs being religious and cultural institutions (Lee & De Vita, 2008). However, among social-

service ECBOs there tends to be an emphasis on providing a broad range of services to the communities they serve (Vu et. al., 2017). Often, ECBOs will attempt to provide a fully integrated approach to client needs, even if those needs are not considered part of the formal scope of the organization (Jenkins, 1981 p. 48-49). ECBOs typically have smaller budgets than mainstream NPOs and the level of funding and activity of these groups tend to be tied to waves of immigration or resettlement, with ECBOs being more active when people are first arriving (Lee & De Vita, 2008; Hung, 2007).

ECBOs are generally well-equipped to provide culturally appropriate services for newly arrived refugees and immigrants. Since the staff of ECBOs tends to be from the same ethnic group as the clients, individual staff members are generally more able to provide culturally responsive services as they share a similar cultural context (Vu, Nguyen, Tanh & Chun, 2016; Jenkins, 1981). Moreover, since ECBOs boards and leadership are typically from similar ethnic backgrounds as the clients, the organization as a whole is organizationally culturally competent as it better reflects the community it is serving (Vu et. al., 2016). The case study organization fits this definition, with most of the staff and board coming from various immigrant backgrounds.

While the organization studied in this case primarily serves refugee clients, they are not directly involved in the refugee resettlement process. In the U.S. the process of refugee resettlement relies heavily on NPOs. At the national level, nine volunteer agencies (VOLAGs) are responsible for working with the government and local actors to place refugees in various communities in the US (Bruno, 2011; U.S. Office of Refugee Resettlement, 2012). In many states, including Vermont, once refugees are placed in a community, a local branch of the national VOLAG is responsible for providing for initial resettlement needs (Bruno, 2011; U.S. Office of Refugee Resettlement, 2015). Under the Wilson-Fish program, refugees are provided

initial cash and medical support with the primary aim of achieving economic self-sufficiency through employment as soon after resettlement as possible through a local NPO (Bruno, 2011). Depending on the type of assistance, refugees are typically only eligible for assistance for the first 3 or 5 years after arrival (ibid). In Vermont, these initial services are provided by the Vermont Refugee Resettlement Program (VRRP) which is associated with the national VOLAG the U.S. Commission of Refugees and Immigrants (USCRI, n.d.).

In contrast, the organization being studied in this case provides additional social service support to refugees outside of the VOLAG resettlement structure. In the context of refugee resettlement, ECBOs take on 5 distinct roles (Newland, Tanaka, & Barker, 2007). They act as service providers, a political representative for their community, a community center, intermediaries between government and refugee communities, and partners of the voluntary agencies and government organizations (ibid). The case study ECBO performs most of these roles. While the most visible role of the organization is as a service provider, through their case management and legal services programs they also act as both intermediaries and as political advocates for New American clients. In addition to running community center programs for youth and senior citizens, the organization also serves as an informal community center where people can walk in and find needed information and support. Finally, the case organization acts as a partner to government agencies by taking on government contracts and grants as part of their funding.

Funding for the organization's programs comes from a mix of sources. For the most recent years for which data is available, the organization took in about one million dollars in revenue for programs and overhead expenses. Some funding is available through the U.S. Office of Refugee Resettlement discretionary grant programs, which funds projects in eight program

areas for all refugees, including those who have been resettled for more than 5 years (Bruno, 2011). Additionally, the organization receives funding through a number of federal, state, and local grants that are not explicitly for refugees, such as grants for supportive services to survivors of domestic violence. Overall, federal and state grant money make of the majority of the organization's budget for years in which data is available. They also receive funding through private grants, donations and from contracts to provide interpretation services. In particular, interpretation services make up the second largest source of program funding for the case study organization. Thus, while not directly involved in the process of resettling refugees, this organization plays an important role in providing additional and continuing services for refugees. Additionally, because of their diverse funding sources they are able to provide services for other immigrants, asylum seekers, and refugees that have been resettled more than 3 or 5 years ago.

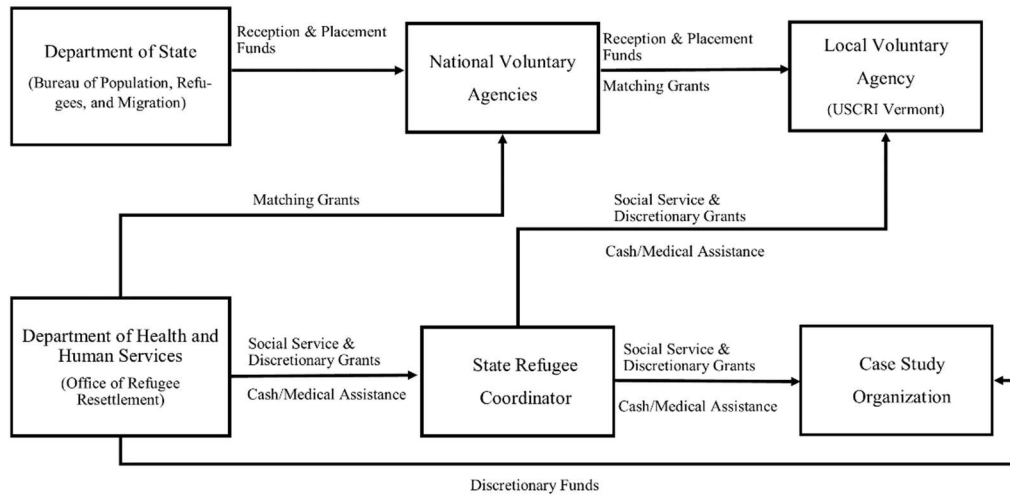
4. Background of Immigration and Refugee Policy

The modern refugee resettlement program was created by the Refugee Act of 1980.

While the program has often been seen as a humanitarian initiative, the resettlement process within the United States is actually largely reflective of a neoliberal policy priority that refugees should be self-sufficient as soon as possible (Benson, 2016).

The basic structure of refugee resettlement is complex and involves many actors at the federal, state and local level. Once refugees arrive in the United States, resettlement is handled by 2 agencies, the Department of State (DOS) and the Office for Refugee Resettlement (ORR) which is part of the Administration for Children and Families (ACF) (United States Government Accountability Office, 2012). Both programs rely on NPOs as an integral part of resettlement (ibid). As part of the Reception & Placement Program, the DOS has contracts with 9 national NPOs, known as voluntary agencies, which consult with DOS to determine the placement of refugees throughout the United States (ibid; Office of Refugee Resettlement, 2012). Local partners of the national voluntary agencies are then paid per refugee resettled to provide initial resettlement assistance for the first 30-90 days (ibid). ORR may also provide matching grants to support initial resettlement (ibid). After initial resettlement, ORR is responsible for longer-term refugee assistance (ibid). ORR programs provide initial cash and medical assistance for 8 months after resettlement, money which is distributed through the states to refugee resettlement organizations (ibid). ORR also provides refugee social service and discretionary grants to states who then typically pass on this funding to refugee-serving NPOs (ibid). While states have some flexibility with how they use this funding, typically these funds are used to support quick initial employment and English-language learning programs. With limited exceptions, ORR funding cannot be used to support refugees who have been in the US for more than 5 years (ibid).

Figure 3: Structure of Refugee Resettlement Program



Note: Information from the Government Accountability Office (2012).

The structure of the program as defined by the 1980 Refugee Act reflects the neoliberal priorities of the creators of the policy. In the “roll-out” phase of neoliberalism, market logics are applied to the state and the services it provides, transforming them from welfare and collectivist institutions into marketized ones (Peck & Tickell, 2002). While in the market sector neoliberalism has often been associated with deregulation, Peck & Tickell argue that neoliberalism actually exists as a form of “metaregulation, a rule system that paradoxically defines itself as a form of antiregulation” (ibid, p.400). In terms of social policy, this manifests as a system in which responsibility for providing social services is devolved to state governments and often administered privately through NPOs or for-profit organizations (FPOs) while at the same time federal regulations require aggressive neopaternalistic sanctioning of clients who are perceived as noncompliant (ibid). Most typically, neoliberal social policy emphasizes harsh sanctions when clients fail to act as ideal market actors, such as when clients are unemployed but seeking welfare benefits (ibid).

Benson argues that the Refugee Act of 1980 replicates these neoliberal ideals in four key ways (Benson, 2016). First, it devolves authority from the federal level to the state level. The law does not set out specific mechanisms for refugee resettlement, but instead requires each state to provide a plan for how they will resettle refugees (ibid). In addition to devolution, the 1980 policy also promotes the privatization of services (ibid). The law explicitly stipulates that services should be provided by private NPOs as well as public agencies (ibid). In doing so, it reflects the neoliberal sensibility that private agencies are inherently more efficient than public agencies (ibid). This system allows for more adjustment to local context but at the cost providing consistent and equitable services to all refugees (ibid; Hasenfield & Garrow, 2012). Some authors have argued that this pattern of privatization and devolution degrade the idea of social citizenship and rights (Hasenfield & Garrow, 2012). When services are devolved to the local level, social rights become contingent on local political and bureaucratic processes and when they are privatized it diminishes the sense that the state is obligated to provide these services (ibid; Smith & Lipsky, 1993).

A third major tenet of neoliberalism the law embraces is managerialism and new public management (NPM) (Benson, 2016). Throughout the process of creating and implementing the law, the primary emphasis was on reducing costs as much as possible, rather than on successful integration (ibid). Notions of privatization were thus combined with notions of managerialism to suggest a marketized system in which private agencies would provide flexible and cheaper services (ibid). Under the provisions of the Refugee Act of 1980, NPO outcomes are monitored at the state and federal level to ensure efficacy and efficiency (ibid). Consistent with the ideological aims of the policy, the main emphasis is on providing cost-efficient services, rather than on providing the most useful services (ibid).

Fourth, the Refugee Act of 1980 reflects neoliberal ideas about welfare dependency and the need for “workforce” (Benson, 2016). Throughout the process of developing the act, a persistent concern of legislators was that providing services to refugees would create “dependency” and harm individual’s ability to become self-sufficient (ibid). Even proponents for providing public benefits to refugees echoed this neoliberal logic, claiming that refugees should be eligible for public benefits because they were eager and industrious workers (ibid). In this sense, advocates for refugee social services argued for social services from a neoliberal foundation that the poor must be “worthy” in order to receive services, rather than a more fundamental argument that people have a right to have their basic needs fulfilled (ibid; Quintiliani, 2009). Ultimately, the law originally provided welfare benefits for just three years after arrival with the belief that doing so would limit dependency (ibid).

The perceived need to avoid creating “dependency” remains the main emphasis behind refugee social services. Since 1980, the period of eligibility for initial welfare has been shortened to just eight months (Haines, 2010). Officially, the primary goal of the ORR is to ensure economic self-sufficiency (Haines, 2010). In practice, economic self-sufficiency is broken down into two discrete goals: reducing dependency on government benefits and rapid employment (ibid). Data collection efforts further bolster the emphasis on self-sufficiency as defined by reduced dependency and rapid employment. ORR emphasizes the collection of short-term employment outcomes and does not attempt to measure integration overall (United States Government Accountability Office, 2012). By prioritizing data on short-term employment outcomes, the success of the refugee resettlement program overall becomes ever-more increasingly defined by short-term employment success alone (Haines, 2010). This can often trap refugee households in low-paying employment, as they will lose access to benefits if they remain

unemployed to pursue education and workforce training (Office of Government Accountability, 2012). Moreover, this has the impact of essentially defining refugee social services as program failure, because if a refugee is receiving social services, they are not self-sufficient and thus the program has failed (Haines, 2010). In this way, the very act of providing or receiving social services is cast in a negative light, even when those services aid integration or long-term economic mobility (ibid).

According to Haines, another impact of the Refugee Act of 1980 was to define refugees as permanent immigrants on the path to citizenship (Haines, 2010). While defining refugees as permanent residents created important paths to citizenships and rights it also created expectations for incoming refugees. As immigrants, refugees are expected to be grateful for the opportunity to come to America (ibid). Moreover, it is assumed that they should try to capitalize on this opportunity by pursuing economic and social mobility at all costs (ibid). This creates a fundamental paradox for refugees and those serving them. By definition, a refugee is in need of assistance because of circumstances outside of their control, but they must not be considered “needy” or else risk being perceived as dependent (ibid).

The structure and ideological impact of the Refugee Act of 1980 has had three major impacts on NPO service providers. On one hand, it established NPOs as a crucial partner and provider of resettlement services (Benson, 2016; Office of Government Accountability, 2012). On the other, it rhetorically suggested that continuing to provide services or providing too many services would be a failure of the program (Haines, 2010). Moreover, NPOs were explicitly blamed for providing too many services, with lawmakers arguing that refugee-serving NPOs had created a mentality of entitlement or dependency among refugees (ibid). Finally, its funding structure, in which funding is only provided to recently arrived refugees, made refugee-serving

NPOs particularly vulnerable to reductions in the number of new refugees entering the United States each year (Darrow, 2015).

Welfare and immigration reform in the 1990s further reflected neoliberal ideas that immigrants and refugees should be self-sufficient and not be allowed to access public benefits. The Personal Responsibility and Work Opportunity Act was passed into law by Congress in 1996. As a whole, the rationale behind welfare reform is based on the neoliberal ideal that poverty is not the result of structural factors like economic conditions or racism, but instead reflects a personal and cultural moral failing (Katz, 2013). By redefining poverty as a moral issue, politicians and activists for welfare reform were able to justify heavy-handed neopaternal methods of social control through welfare to sanction the unemployed (ibid; Peck & Tickell, 2002). Welfare reformers frequently called to mind the racialized and gendered framing of the “welfare queen”, women who had children in order to receive benefits, as a justification for why reform was necessary (Fujiwara, 2005).

PWORA had two main impacts for refugees and immigrants. First, legal permanent residents (LPRs) became ineligible for almost all major categories of welfare benefits for at least five to seven years, including SSI, TANF, SNAP and Medicaid (Siskin, 2016). Exceptions to this policy highlight the emphasis the policy has on the work requirements. For example, LPRs are eligible for SSI if they have at least 40 quarters of valid U.S. work history as an LPR (ibid).

Unlike LPRs, refugees remain eligible for most programs for at least five to seven years after arrival (ibid). However, the requirement to find work to continue being eligible for benefits has had a major impact on many refugee families, particularly for refugee women (Quintillani, 2009). In a longitudinal study of Cambodian refugee women, Quintillani found that many faced multiple systemic barriers to meeting the work requirements for TANF, including the need to

provide childcare, lack of transportation, and having “under the table” jobs like sewing piecework that could not be counted towards the work requirement (ibid). Furthermore, many women struggled with mental health issues as a result of their refugee experience which made consistent work difficult (ibid). Despite these struggles, the women feared that questioning the system could result in their benefits being eliminated (ibid). Thus, while refugees are eligible for most welfare services under PWORA, the “workfare” requirements are particularly difficult for refugees to meet.

After the passing of PWORA, activists were able to win limited concessions in the law through strategic activism (Fujiwara, 2005). To achieve this, they relied on two framings of immigrants that countered the narrative of the undeserving “welfare queen”. First, activists focused on the impact the law had on elderly and disabled immigrants (ibid). Second, they emphasized Hmong refugees as worthy of receiving benefits because of the direct impact that American military involvement in Southeast Asia had on their need to flee to the United States (ibid). While these framings helped restore critically needed benefits, they also had the impact of reconstructing certain immigrant populations as victims and “good citizens” while tacitly implying that other immigrants may not be “worthy” of social benefits (ibid). Perceived “worthiness” has been an important part of political support for social benefits and services for immigrants, and especially for refugees. In the 1970s and 1980s, Southeast Asians were perceived as “worthy” of social support both because they were fleeing communism but also because many perceived the US as being at least partially responsible for the destabilization in the region (Haines, 2010). This can lead to disparities in level of political support for admitting various refugee groups (Haines, 2007). In the modern era support for Central American asylum-

seekers is much higher than support for Syrian refugees, perhaps in part because of this (Mccarthy, 2018).

Racist and Islamophobic fears that refugees from the Middle East represent a security threat may also reduce political support for Middle Eastern refugees. In 2017, 46% of Americans felt that Iraqi and Syrian refugees posed a major threat to the United States (Smith, 2017). These fears are unfounded and there is no evidence to suggest refugees pose a threat to U.S. security (Zolberg, 2007).

Welfare reform and the resulting reduction in social benefits for immigrants and refugees has had consequences for refugee and immigrant-serving NPOs. Most significantly, a decrease in government social benefits and services puts pressure on NPOs to close the gap by providing needed services. Additionally, these restrictions could prevent NPOs from leveraging Medicaid to provide mental health and addiction services. This could be especially damaging as this strategy of billing to Medicaid is often used by NPOs to compensate for limited funding in other areas (Smith & Lipsky, 1993). On a more general level, these reforms continued to reinforce and codify the political perspective in which immigrants and refugees are not seen as “deserving” of social support which has long-term implications for many types of government funding that refugee and immigrant-serving NPOs rely upon.

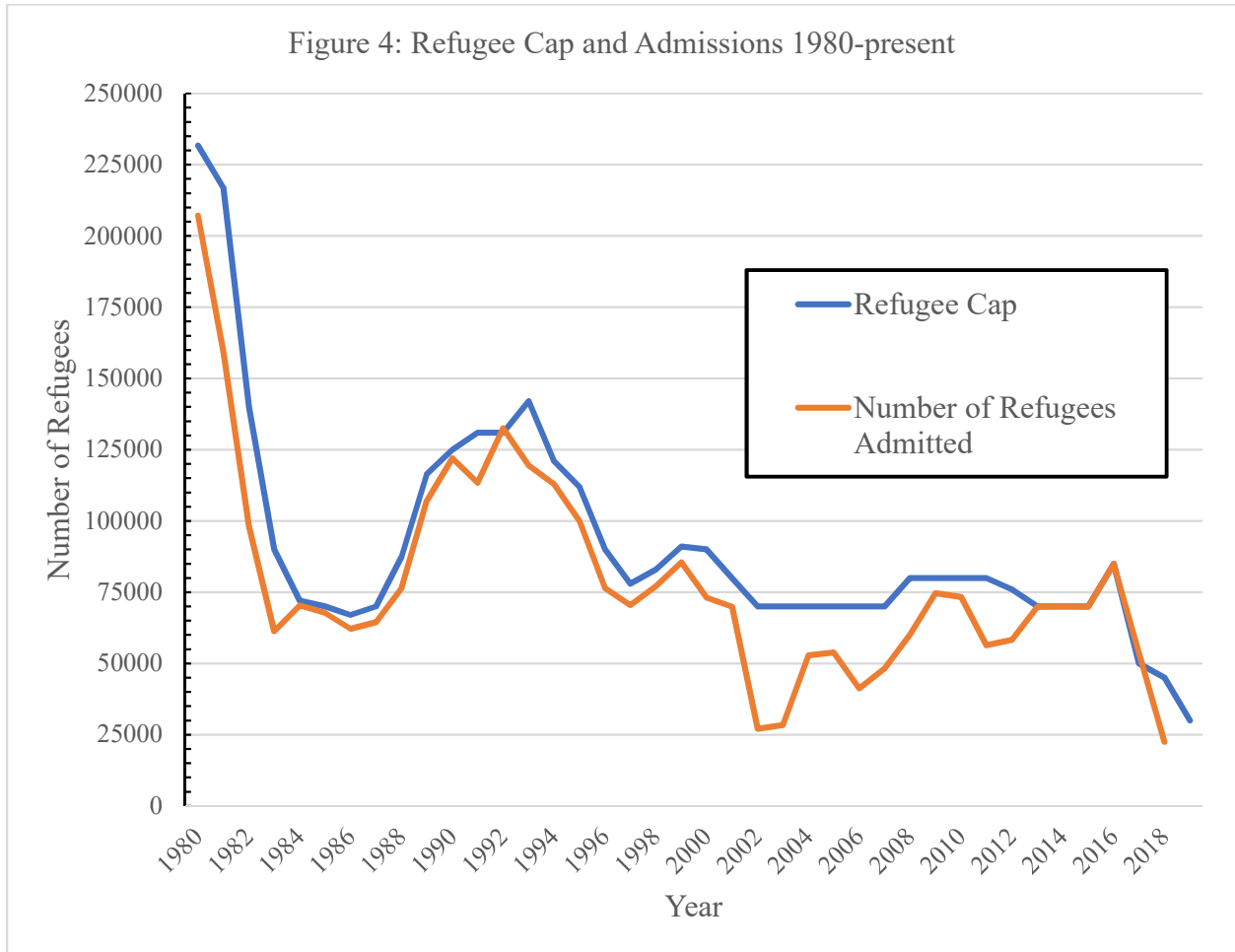
Anti-immigrant and refugee rhetoric and decreased support for social services for these groups has become even more pronounced since the beginning of the Trump Administration. While overall support for admitting refugees has stayed relatively stable since the beginning of the Trump presidency, views have become increasingly polarized with 9% fewer Republicans saying that the US has a “responsibility to accept refugees” in 2018 than in 2017 (Hartig, 2018). Trump himself has shown hostility towards immigrants and refugees as both a candidate and a

president. Trump has frequently attacked refugees and immigrants as an economic cost. As a candidate in 2016, he criticized Hillary Clinton's refugee plan because it would, in his estimation, have a "LIFETIME COST OF OVER \$400 BILLION." (Trump, 2016). As a president, he has taken steps to try to change the definition of "public charge" to include non-cash social services like SNAP or Section 8 Housing, which would prevent many immigrants from adjusting to LPR status (Shear & Baumgaertner, 2018).

Trump has also frequently claimed that refugees and immigrants represent a security threat to the United States. In 2015, he implied that some refugees "could be ISIS" (Trump, 2015). Since being in office, he has restricted travel and many types of immigration from seven mostly Muslim-majority countries with various executive orders (Shear, 2017). In 2017, he called refugees from the seven mostly Muslim-majority countries "DANGEROUS" (Trump, 2017). The idea that refugees are a major security threat is not based in empirical reality, as temporary travel visas are millions of times more common and the danger of someone entering the US through the highly vetted refugee program is small (Zolberg, 2007).

Since taking office Trump has taken many steps to slow and even shut down the refugee and asylum process. First, as part of the overall travel ban, Trump closed the refugee program for 180 days in 2017 and imposed additional 90 day bans on refugees from 11 countries (Shear, 2017). While the refugee program has since reopened, Syrian refugees are still effectively barred from entry with just 62 Syrian refugees being resettled in FY 2018 (Amos, 2018). Second, Trump has drastically reduced the maximum cap on the number of refugees (Hirschfeld Davis, 2018). Even under the Bush administration, when the actual number of refugees admitted to the US dropped significantly, the refugee cap was typically around 70000 to 80000, but Trump set the 2018 cap to 45000 and the 2019 cap to just 30000 (ibid). Figure 4 shows a graph of the

changes in refugee cap and number of refugees admitted since the inception of the modern refugee program in 1980.



Note: Adapted from the Migration Policy Institute (2018).

Third, the entire refugee program has been under an “administrative slowdown” (Robbins & Jordan, 2018). Thus, despite the cap of 45000, only 17113 refugees entered the US in 2018 (UNHCR, 2019). There are three primary reasons for this administrative slowdown. First, 100-215 refugee officers were diverted to hear asylum causes because of the massive backlog in asylum cases (Robbins & Jordan, 2018). Second, the Trump Administration has raised vetting requirements by requiring additional vetting for refugees from 11 “high-risk” countries and

extending vetting to females 15-40 (ibid). Finally, there is simply a lack of administrative pressure from the executive branch to meet the refugee cap (ibid).

Asylum cases are also being processed very slowly with a large and growing backlog of 800000 cases (Lu & Watkins, 2019). Moreover, the Trump administration has made several attempts to limit the ability to apply for asylum. In June, then Attorney General Sessions announced that fleeing domestic violence would no longer be a reason to claim asylum (Benner & Dickerson, 2018). In November of 2018, Trump attempted to suspend the asylum process for anyone entering across the border illegally through an executive order (Shear & Sullivan, 2018). This was blocked by a federal judge as it would place a “categorical bar” on asylum and thus violate Congressional law (Jordan, 2018). Finally, Trump’s original border wall proposal would have limited asylum applications for Central American children (Rose, 2019).

These actions have had a major impact on the ability of refugee-serving NPOs to assist their clients. Funding for refugee resettlement organizations (RROs) coming from the State Department’s Resettlement and Placement Program is directly dependent on the number of refugees who are resettled in the area (Darrow, 2015). This creates inherent instability for these organizations, as RROs rely on this funding not only to serve clients but also to pay for staffing and administrative costs, and this instability is particularly bad for smaller RROs (ibid). With the reduction in numbers of refugees in the United States, more than 20 RROs have closed and 40 more have been told they must shrink in size (Rosenberg, 2018). When RROs close, refugees that are already resettled become effectively “stranded” without a central location to receive services (ibid). Moreover, the closure of RROs will have a long-term negative impact on the capacity of communities to receive more refugees even if a future president was to want to increase the refugee cap (ibid). While the impact on non-RROs like the case study NPO is less

clear, they are also likely to have difficulty finding funding as less refugees enter the United States, as many types of funding are contingent upon providing services to a certain number of recently-arrived refugee clients. Moreover, the portion of funding for the US Refugee Admissions Program coming from the Department of Health & Human Services (HSS) decreased from \$2.122 billion in 2017 to \$1.457 billion in 2018 (U.S. Department of Health & Human Services, 2018).

Neoliberal ideals have been at the heart of the refugee resettlement program and immigration law more generally since the 1980s. “Workfare” and eligibility requirements associated with the Refugee Act of 1980 and PWORA have furthered the political narrative that refugees and immigrants are must be “worthy” in order to receive social services. The Trump administration has rhetorically built off this narrative, accusing the refugee program of being a financial burden. Moreover, he has labelled immigrants and refugees as dangerous and potentially terrorists. Through the travel ban, reduction in the refugee cap, and administrative slowdown the Trump administration has effectively slowed the number of refugees resettled to the US to significantly less than any year prior with disastrous impacts on the available funding for refugee-serving NPOs.

5. Findings

Based on the interview and archival research I conducted on the case study organization, I find 11 main themes which can be broadly grouped into 4 categories. Themes I through III explore the ability of NPOs to make changes to programs awarded by government grants. I find that opportunities for an NPO to shape program outcomes are limited during the original grant awarding process but expand significantly once an organization has been awarded a grant, and especially during the grant renewal process.

Themes IV through VI examine how government partners hold NPOs accountable and sanction them for perceived noncompliance to the terms of government contract and grants. This research suggests that informal mechanisms of accountability, such as not renewing a grant and providing warnings and technical support to struggling organizations are more commonly used than the formal measures outlined in the grant procedures. Additionally, I find that the use of these informal mechanisms varies based on the level of trust between NPO and government partner, although formal mechanisms remain largely the same for all organizations.

Themes VII and IX describe how the case study NPO seeks to exert its own autonomy and mission. I find that the NPO uses private funding and information asymmetry to expand eligibility and program offerings consistent with its mission, but still feel constrained by their reliance on government funding.

Finally, themes X and XI examine the extralocal forces which impact the autonomy of both NPO staff and government partners. I find that government partners often wish to give NPOs more autonomy but are prevented to doing so by state and federal mandates, and that these accountability expectations are becoming stricter over time.

I. New Grant Funding Usually Follows a Competitive or Negotiated Request for Proposals (RFPs) System

Overwhelmingly, government partners expressed that the process of determining who receives grants should be objective and competitive. Officials asserted that considering the strength of a relationship would be unfair and that they felt they should not consider such factors. Most considered it critical that all organizations had the chance to apply for funding and try to ensure this by distributing request for proposals (RFPs) as widely as possible.

Government officials also oftentimes used the competitive contracting model, most typically when they were providing new funding or starting a new program where there was likely to be many qualified NPOs able to do the work. In almost every interview, government partners described a process whereby an RFP for a new program is widely distributed, with the subsequent applications being read and scored by a team of government reviewers whose score acts as a recommendation for the grant manager. In one case, for a smaller grant, the grant manager was the sole decider of who received funding.

While most partners tried to avoid considering the interpersonal relationship between them and the applying NPO, the NPO's reputation and past performance were considered in many cases. At least one government funder explicitly used an organization's prior granting experience in evaluating and scoring grant proposals because:

I know how they work and I know what kind of work they do... [if] they're able to manage a grant or not... and also their knowledge of the population and access to it.

- Government Official

For at least some government grantors, success at past work serves as one useful heuristic for whether they are capable of doing similar work in the future. While other government funders rejected a broader consideration of the reputation or past success of an NPO, even some of these officials considered whether an NPO grantee was previously delinquent in meeting the terms of other grants it held with the state.

In these competitive RFP processes, the terms of the grant are generally set unilaterally by the government partner, with NPOs being expected to explain how they could conform to the terms of funding. Government officials frequently described looking for NPOs “capacity to do the work” not just in terms of programmatic capacity, but also in terms of being able to deal with the administrative and financial burden of grant reporting. Some government partners use the formatting of the application itself as a test of administrative sophistication. For example, one partner uses the following test:

If we said we want a budget to be proposed in two different ways did we get it in both ways?

- Government Official

Another official described:

[P]aying attention to the professionalism of the proposal... and format of the application.

- Government Official

This competitive model limits the autonomy of NPO staff to be involved in shaping the process and can lead to frustration on the part of the NPO grantee. For example, one case study NPO staff member explained that meeting the terms of a grant was difficult because the research

used to shape the terms of the grant didn't reflect the reality of the situation, something which he felt could have been avoided if the grantors had:

[Gone] out and ask[ed] people who they think could get the money to...design the program, design the RFP or the grant money, which would target the problem based on the reality.

- NPO Staff

One government official did report that she would include community members on the grant review panel in some cases.

While almost all government officials reported that they used some version of this process for some of their new grants, many use a more negotiated approach in certain scenarios. In some cases, government partners described being restricted to certain NPO partners by the state or federal government. In these cases, government officials typically still require a formal work plan, but this process is more frequently described as a negotiation, with the NPO in question being involved in defining the exact scope of work. One official explained that:

The department will say we want to give money to this entity, but we just need them to come up with a plan.

- Government Official

Thus, while NPOs in this situation are still expected to meet certain government requirements, and are held equally accountable, they may have more latitude to define the specific services they intend to provide or how they intend to provide them than NPO applicants in a more competitive grant process.

Government partners also recognized that for some services, there was unlikely to be many interested agencies. Multiple officials recognized that the more specialized the service was, the less likely it was to be a highly competitive process:

I think it really depends on the service you are looking for. If you're sending out a request for... a commodity, then you going to get a whole myriad of responses to that. If you're looking for something very specific... there's a very limited number of... entities that would respond to that... Going into that I think we fully expect and can kind of guess at what kind of a response we're going to get.

- Government Official

In some cases, there may even be only one entity that meets the qualifications:

Generally, the more specialized it is, the less competitive it is...the only organization that is qualified to provide [service] is [case study NPO]... so I know full well that when I issue [an RFP] they are going to apply and they're going to get the funding.

- Government Official

In these cases, the grant is still open for anyone to apply, but on a practical level it is understood that the process will not be competitive because of the specialized nature of the services requested. Thus, while government partners generally desire and attempt to use a competitive contracting model for new grants, sometimes practical concerns or outside influences lead to them using a more negotiated model. In these cases, the NPO partner may hold greater influence over how the program is developed and run than they would in a traditional competitive RFP process.

II. Scope of Change: Minor Changes Versus Major Changes

Many government partners and NPO staff identified the scope or scale of changes as an important factor for determining whether an NPO partner would be allowed to make changes to programming. One NPO staff member explained:

I think people are generally open to [making changes] if you can provide a pretty good explanation as to why. And it's like we're not talking about major changes to a grant, we're just talking about sort of shifting emphasis or finding that there was more need for X and so we put more resources into accomplishing this other thing.

- NPO staff

Additionally, NPO staff noted that the amount that a project focus could shift depends on the size of the grant. With a larger grant, larger amounts of money can be shifted into different program areas without needing to justify that choice as much. Oftentimes, money can be shifted by a set percentage between different expenses originally enumerated in the grant, usually by 10% of the total funding.

The case study organization's past grants show many examples of these small changes to programming. In some cases, the organization got prior approval for a change, such as a formal exemption from the requirement to use volunteer labor for a particular grant because of the specific cultural and language-needs of the client population. In other cases, changes were evidently small enough that they could be made without prior approval and then reported to the government funder. For example, in one classroom-style program, facilitators reported making curriculum changes to increase the cultural competence of the programming and address new topics relevant to the clients. These changes were made and then reported in quarterly reports. In this case, it was clear that the government funder approved of these changes because it was specifically mentioned as a positive in the site visit review of the program. Thus, there is significant evidence that NPO staff can and do make small-scale changes with varying levels of involvement of government funders.

Almost all government partners made the distinction between small-scale changes, which they would generally accept, and large-scale ones, which they generally would not accept.

Government funders explained that:

[I]t really comes down to scope of work... if the partners asking us can we limit or expand this piece? Versus we don't want to do this anymore, we want to do this. ...Example B probably won't get much of a discussion. Example A it will at least be reviewed and... if it works then we can implement it.

- Government Official

If it's not too big of a change I will approve it if I think it makes sense, but then we need to do a grant amendment.

- Government Official

In almost all cases, government funders still described needing to do a formal process of making a grant amendment in these cases. But most were willing to accept small-scale changes provided the NPO can explain why such a change is needed.

III. The Grant Renewal Process: A Site for Negotiating Programmatic Changes

While the RFP process for new grants is relatively formalized, the process of renewing a grant is sometimes more informal and often relies on negotiation. Both NPO staff and government funders described grant renewal as the optimal time for making adjustments to a grant. One reason for this is that waiting over the course of a year allows the government funder to request and receive data on the possible change. As one government partner explains:

I can say that we're really big on having conversations within our division, with our partners, in making sure we are having open communication... And a lot of times we need to have some data in order to make decisions about whether or not [the NPO partner] should make a change... I think I'm pretty well known for saying we'll see how this year goes and then [when] we're doing grant negotiations we can revisit and see if that makes sense to keep in there or not.

- Government Official

Government staff also cited the grant renewal process as an area where they had more discretion to negotiate with NPO partners than they would in a new RFP process.

Now with existing grantees we're funding often there's some discretion... they could make a request to change how they're using the funding or we can typically, if we have a grant that is focused on a particular topic, if we wanted to add more money focus[ed] on that same topic we can...as a grant manager make that decision.

- Government Official

NPO staff also acknowledged that the grant renewal process was a time for negotiating changes. As one staff member explained about the renewal process for a multi-year grant:

Based on the evaluation...we had so many requests or... recommendation that we have made in order to change or to modify... the grant from this for the second year. But not for the year that we were working on.

- NPO Staff

In this situation, an outside evaluation allowed the NPO staff member to provide the necessary data to lead to changes in the program. But he expressed that he would have rather been able to make this change for the first year, because he was already aware of problems with the grant requirements. In this sense, NPO staff are therefore limited in making changes. Even when they have identified a problem, they may not be able to make changes in the program immediately because of the requirement to collect information and data on the scale and scope of the problem.

An additional limitation of NPO staffs' ability to negotiate is an inability to collect that necessary data to negotiate a change because of resource and capacity constraints. One NPO staff member explained that:

We have not been taking a lot of pause in between... say stage one of the program, to reflect and see what we can change... I think what we have been focusing on is, you know, just we have this to achieve. We have to- this funding is going to run out in three months and we've just been in the role of, we're going to do what we said we were going to do, we're just providing services and not really reflecting to see what can we change... I think it's a function of time as well as just the human resources, that capacity.

- NPO Staff

Thus, while government partners may be more open to renegotiating the terms of a grant during the renewal process, it is not necessarily possible for NPOs to collect the information needed to make these changes. Furthermore, even if an NPO is able to request and negotiate a change during the first year of the grant, there is still an emphasis on needing to collect data. Both government partners and some NPO staff were resistant to the idea of major changes to a grant within the first year. One government funder explained:

If you are materially changing the scope of an agreement, especially a short-term agreement, one year, maybe even two-year then you haven't done a very good job up front... one side or the other didn't understand what we were after.

- Government Official

And while some NPO staff expressed frustration at being unable to change the terms of a grant, others agreed with government funders:

Hopefully you've written a grant that... matches what you want to do. So the constraints are based on things that you already said and that's okay.

- NPO Staff

IV. Government Sanctioning NPO Noncompliance Through Refusing Grant Renewal

While the grant renewal process is a site of possible NPO influence over programming, government partners can also refuse to renew a grant as a sanction for perceived NPO noncompliance or failure. For instance, one government partner explained:

[I]f I'm working with an entity and... I found out... the feds have given me another 40,000 to do the same thing. If I feel this organization has been struggling... I would be hesitant about giving them additional funding.

- Government Official

Similarly, other partners describe reopening funding to an RFP process when grantees are not meeting expectations.

Most [grants] are just one year... but... I don't reissue RFPs every year. So if I'm happy with the person or with the agency, we have the opportunity to renew... if that doesn't go well, I don't do that. I issue a new RFP.

- Government Official

Thus, NPOs who are seen as performing to expectations have the ability to renegotiate in the grant renewal process. But NPOs who are not currently meeting standards are sanctioned by losing this opportunity. Instead, they must reenter as part of the competitive granting process. Once they enter this process, there is a significant chance that they will lose the grant funding, as multiple partners report that they will score NPOs who have been delinquent to the terms of their past grants lower if they reapply for the funding.

V. Formal versus Informal Patterns of Government Sanctioning of Noncompliant NPOs

While government partners describe sanctioning through the grant renewal process, they also report much more lenient informal systems of holding NPOs accountable than are formally required. Almost all grants awarded to the case study organization mandate a process whereby

the NPO is sent a formal warning if they fail to meet government funder requirements for services or reporting of those services, followed by sanctions and termination of funding if the NPO continues to fail to meet requirements. For example, one such grant agreement describes a two-step process where a formal warning is sent out if the case study NPO is below 75% of the target numbers of various outcome measures, and then a corrective action plan is established if the NPO continues not to meet the targets. This formal process was also described by many government partners.

But many of the same government partners described using an informal warning and discussion process prior to following these formal steps. The level of informal supports varied somewhat. For some government partners, the main informal support is simply warning an NPO about the issue prior to the formal notice letter and eventual corrective action plan. But other government partners describe more involved informal steps involving technical assistance, phone calls, and site visits. Generally, these informal supports are most often extended to newer NPO partners, because government funders report that new grantees usually need the most support. However, this was not true in all cases, such as when a program had a specific time deadline or requirements by a federal funder that could not be altered. In these cases, government partners acknowledged that they tended to be harsher about meeting grant requirements.

In explaining their relative leniency, government partners overwhelmingly cited their understanding that NPOs have difficulty meeting reporting requirements for many grants because of their limited capacity which many described as a barrier to effective accountability:

I think one of the biggest struggles that I see is the grantees have a lot of small grants and they're often consumed with doing the work and they don't have dedicated staff who can make sure that reporting is done on time and correctly or at least they struggle to do that... And so sometimes it's a hard sense of trying to sort through, okay was the issue that they're doing the work but they're just, they need to get better at documenting it or is it that they're not doing the work?

- Government Official

I actually emphasize, I understand how burdensome it can be to do this reporting... this is just one tiny piece, probably, of how they're funded.

- Government Official

Like the examples government partners cite, the case study NPO is funded by a many small grants. While the yearly budget of the case study NPO is typically above one million dollars, the average yearly amount paid out by a single grant from 2015 to present is just \$52,759.49. While NPO staff must adapt to this financial situation by managing many small grants, there is also evidence that government partners have adapted their expectations of reporting and accountability to soften the formal requirements via informal notices and the development of a working relationship.

Moreover, government partners sometimes framed their leniency in terms of their obligation to the general public to continue to provide services. The RFP process is inherently time consuming. One government partner reported that she had already begun writing an RFP for a grant that would not be issued for another 6 months. Thus, some government partners expressed a preference for working with a partially noncompliant or struggling NPO in some cases so that the program would continue to run without any possible significant break in providing services to the public:

We understand we have a responsibility to our partners. And, you know, and that at times pushes some flexibility in how we interpret things. Just because we need to ensure that the service can continue and a battle over a minor point is, would be not beneficial to anyone.

- Government Official

And once you've given the money to a particular entity, it's in your best interest to... help them succeed. And so, if... you've been working with the grantee for six months and they're really struggling, sometimes it's hard to decide like well do we just cut the funding and start over or do we... keep working on helping this entity going? Because, you know, if we do decide to cut the funding then the public is going to get no services and you have to sort of start over and try to redo the process.

- Government Official

In both cases, government partners recognized that providing services is the primary purpose of the contracting relationship and were willing to be more flexible in order to achieve this aim.

VI. NPO Reputation and Trust-Building Between NPOs and Government Partners Affects Informal Norms of Accountability but not Formal Systems

Many government partners reported that over time trust built between them and some of their NPO grantees, but while this trust may change informal norms around accountability, it typically does not change formal accountability requirements. As one government partner explains, this trust is generally built when there is a sense that the NPO grantee generally shares the same goals as the government grantor.

I think that it's as time goes and the same players are in place the relationship becomes based on a little more honesty and a little more integrity. You know, because you trust they trust and you can... play your cards a... little more, you can share your cards a little easier rather than hold them close to your vest when you truly believe that... your partner, be at the state or be it the state's partners, is working in the same direction. And if you feel like your partner is just trying to put something over or play gotcha or you know, then, then the cards aren't well shared. So, I would say that I can certainly see that some of the partners you've worked with are very, very comprehensive in terms of sharing and others hold it really close and are worried. And we're asking for the same thing from everyone. It's just, you know, it's the nature of relationships.

- Government Official

As this quote makes clear, trust does not automatically build up over time. Instead, trust builds only when there is a shared sense of purpose and similar goals. Similarly, another government partner noted that she was more lenient about errors from organizations who were generally good at reporting:

And so for instance like if [case study organization] are- if they ever have like an error, I'm less likely to harp on it, in fact sometimes I don't even send it back, I like correct it something on that reporting, like a date or something, I won't call their attention to it... I definitely... am more lenient with partners I know have it together versus like if I know there are some agencies that... just need more hand-holding, or benefit from more kind of technical assistance and I'm a little more hands-on.

- Government Official

While increasing trust can lead to more flexibility and a mutual sharing of information, mutual trust generally also develops because NPO partners are willing to aid and accommodate government partner's needs.

It does have an effect... not a formal impact, everyone [has] the same requirements. But if I know them well, and I know I had many grants with them, I know that for example some grantees, if I forget to put one report [in the grant agreement]... that if I contact them and I say “you need this new report I’m sorry”, they will do it... Some others if it's not in the grant I need to make sure I know, because... otherwise, I won't have leverage.

- Government Official

In this case, NPOs who have a more trusting relationship may be more willing to comply with informal government requests, even those not legally required, than other organizations.

Similarly, one government partner reported using the organization’s office space to hold an event as part of a collaboration. Thus, a developed relationship and trust may lead to some increased flexibility, but that trust usually only develops if an NPO is also willing to give additional resources and support to the government partner in order to build up mutual trust.

VII. NPO Staff use Information Asymmetry to Expand Eligibility and Program Offerings

Both NPO staff and government partners acknowledged that NPOs had some ability to conceal aspects of their organization or program from government partners:

Some grantees have people who are really good at writing. And so, they can sort of in the written reporting they can make it sound like things are going really well and maybe hide the fact that things are... that they are struggling.

- Government Official

This quote identifies hiding poor performance as the one reason for attempting to take advantage of the information asymmetry. However, for the case study organization, NPO staff primarily reported using information asymmetry to provide additional services or to extend services to those who were not otherwise eligible.

First, NPO partners at the case study organization report going beyond the terms of the grant to provide additional services they feel are needed, and then not reporting those services to the government grantor. One staff member described trying to meet the long-term goals of a grant as a process of:

[Doing] more than what the grant wants, which we see the impact of it right away, but...it's hard to follow the grant requirements the way it is. So we do other things which is really maybe more than what they are grantor is requiring us to... do.

- NPO Staff

Similarly, another staff person noted that oftentimes staff would take on a grant even when there was no additional pay for that person's staff hours because the case study organization:

[Has] a really dedicated staff who will go the extra mile to take on one more thing.

- NPO Staff

In both cases, NPO staff is choosing to do additional work and not report it to government funders in order to make the program more effective. While this is not a traditional use of information asymmetry, it is still a method that NPO staff use to alter the type of program being offered.

A more classic example of NPO staff members use of information asymmetry is the use of information asymmetry to expand eligibility for programming. Many government grants have strict requirements for who is eligible and who is not. For the grants held by the case study organization these are most often based on age, income, immigration status, and the number years since arrival in the United States. Almost all NPO staff described some process by which they allowed those not eligible according to the grant to participate in some aspects of the program. In one case, an NPO staff member explained that she allowed those not eligible to

“audit” the program, participating in some aspects of the program but not receiving the same social services, which many of those not eligible need less anyways. Using this structure, the program was able to assist those who did not meet eligibility requirements even though they cannot be counted for formal grant reporting. Another NPO staff member reported that for a program he runs:

We still help [clients], but we don’t report it... we take all [clients] and try to help them out.

- NPO Staff

However, NPO staff did not always choose to try to expand eligibility for programs. Particularly, one NPO staff member explained that they did not attempt to expand eligibility when the eligibility requirements align with the needs of clients. While this strategy of expanding eligibility was not universal, when used it allows NPO staff to accurately report to government partners how many eligible clients they are serving, but also expand services to more populations.

VIII. The Case Study NPO uses Private Funding to Supplement Eligibility and Program Offerings

In addition to simply providing services for people and not reporting them, the case study NPO also uses private funding to expand eligibility for programming. When government restrictions in eligibility were unavoidable, one NPO staff member reported that they typically provide those services through a different grant.

The organization’s grant archives show significant evidence of this strategy. For instance, the organization uses private funding to supplement a largely federally-funded program to provide similar services to non-refugee immigrants as they do refugees. Unlike when NPO staff

simply chose not to report non-eligible clients, in these cases the government funder is usually aware of the other components of the program.

Additionally, grants from the NPO often utilize private funding or revenue from the organization's interpretation services to expand the type or amount of services they are able to provide. In the case of at least 4 core programs provided by the organization, there was clear evidence that the program was funded by a mix of private and public sources. Because grants with different names and titles may be applied to the same program without any formal recognition of this in the grant agreements themselves, it is likely that many more core services utilize some mix of public and private services. Oftentimes, this ability to leverage other funding is explicitly mentioned and advertised within the grant application as a reason the organization should be awarded government funding.

Rather than treat each grant as a separate program that needs to be administered, some NPO staff instead describe integrating each piece of funding into the established program base.

[S]ince we've been around for so long we try to be a little more picky about which grants we want to apply for, which ones align with our program now. Because...we're not still building the foundation now, we're really just honing in on what we what we do and making sure that, you know, a lot of grants are, at least in this program, they can support sort of a general funding for [program area] and so we can apply for all of those kinds of things because we already have the program base established.

- NPO Staff

By integrating multiple sources of funding, many with different specific requirements, into the existing programming, NPO staff are able to balance the requirements of different funding sources to expand the program as much as possible. However, the need to find funding may sometimes lead to changes in those programs in order to receive funding:

A lot of times I think a nonprofit is in... the position to... need funding, [and] they'll stretch pretty far out of their comfort zone to pay the bills.

- Government Official

There is no specific evidence that this occurs at the case study NPO. However, a staff member at the NPO emphasized that despite preferences for certain kinds of funding, reductions in levels of government funding meant that the NPO would take almost any funding they could get.

IX. NPO Staff Still Feel Their Autonomy is Limited

While NPO staff are able to use certain strategies to alter programs and eligibility requirements, they still generally express frustration at the constraints and lack of autonomy inherent in government funding. All NPO staff expressed that the constraints of government funding restricted their ability to create programs that they felt would best address community needs.

[I]f every nonprofit was able to just write to the government and say we need this money for these very specific programs that would be very different, like to, tailor everything we want to do based on what we think is best.

- NPO Staff

Generally non-government funding has more flexibility. Foundation funding, which we don't have a lot of, if we had... a ton of it, it would give us more autonomy to design programs a certain way... that translates into giving services as per needs. Government funding does some of that but there are certain criteria that we have to follow, so I find that we spend so much time actually thinking about are we meeting these criterias, versus, you now, what's our delivery outcomes?

- NPO Staff

As the second quote reveals, NPO staff do not always have the ability to access private funding in order to try to alter programs to best fit what they believe the true needs to be, and they feel that government funding often fails to address the most important needs.

X. Government Partners Face State and Federal Constraints that Limit Their Flexibility

Government staff also frequently reported that they lacked total autonomy to grant funding as they wished due to state and federal restrictions. The case study NPO receives most of its funding from federal sources. But about half of that federal funding is awarded by state or local government grants to the organization. This pass-through funding is managed at the state and sometimes the local level, but also comes with federal-level expectations for who the program will serve, in what way, and what outcomes will occur. Oftentimes, these federal requirements force state-level government partners to limit flexibility in what changes can be made to a grant:

We have very clear federal guidance... so like some changes they might want to make... they just can't make because we are told they can't make them.

- Government Official

Another government partner reports that she is strict on who can participate in a program and what activities they can conduct because if she is not:

[W]e're going to be audited by the feds and we'll...lose our funding.

- Government Official

Thus, even if NPO and government staff believe a program should be altered to be more effective, federal restrictions may prevent changes to that program.

Similarly, stricter and more complex accountability requirements are sometimes driven

by federal and state requirements or expectations. One government partner reported that despite attempts to make reporting requirements consistent for NPOs across years, the state agency had to alter these expectations to meet federal requirements. Another partner explained that her decision to move towards results-based accountability was at least in part driven by the fact that the state and federal officials wanted it. In some cases, NPO partners are required to use federal government reporting structures and processes directly. These federal reporting requirements can be very complex. The federal guidance on reporting for one state partner's grants spans more than 17 pages and requires multiple semi-annual reports with specific information on the NPO sub-grantees outcomes.

Thus, even when the relationship with the direct government funder is good and both parties share the same aim, government partners may have to limit NPO autonomy or sanction them because of these requirements. One NPO staff member acknowledged that:

[Auditors] might have a special affinity to that kind of programming, but... you have to be mindful of the fact that even if your program administrator at the government level is very supportive of the program that they still... are held accountable for making sure that you are doing your work.

- NPO Staff

However, like NPO staff, government partners still are able to exercise some discretion even when limited by the restrictions in federal funding. For instance, one government partner reported that despite limitations in funding, she was still able to make decisions about where that funding was placed based on perceived community need. NPO staff also reported that government partners were sometimes willing to use this discretion to make some program modifications in federally funded programs.

[W]ith some of the grant managers that we have worked with, we have been able to ask for some modifications. So, while there may be restrictions, we may have some room, not in all the programs... and not in all the funding, in some funding...we have a wiggle room to make some changes.

- NPO Staff

State-level government funders are restricted by federal and state requirements, but they still retain some level of discretion and autonomy.

XI. There is Some Evidence of an Increase in Accountability Expectations over Time

Some, but not all, government partners and NPO staff felt that accountability or other requirements had increased over time. Generally, those partners who felt that these requirements had increased saw this as a gradual process over time, rather than as the result of any specific political moment. One government partner expressed that:

[E]very year there's an increased expectation of accountability... I've never seen us go backwards in terms of accountability.

- Government Official

Another government official reported that in terms of eligibility restrictions:

[The Federal funder] has been more and more restrictive over the years.

- Government Official

Similarly, one NPO staff member reported that:

[T]here's a lot more monitoring, compliance issues.

- NPO Staff

However, she did note that this could be related to changes within the organization, rather than changes in government expectations.

While some government partners and NPO staff reported that accountability had increased over time, others did not. Therefore, it may be that for some services and types of funding accountability and eligibility requirements have increased more dramatically than for other types of services.

6. Discussion

There is significant evidence that refugee and immigrant social service policies follow a bottom-up model of implementation. NPO staff at the case study organization act in accordance with Lipsky's model of street level bureaucrats because they exercise autonomy and discretion in who to provide limited grant resources to through altering program eligibility requirements (Lipsky, 2010). While, the conventional definition of a street-level bureaucrat emphasizes only front-line staff, because of the small size of the organization many staff act as both managers who negotiate grants but also as front-line service providers who determine who is provided services and in what quantities.

This bottom-up policy influence is also consistent with Matland's symbolic model of policy implementation, where micro-level factors are most important for determining policy success. First, refugee policy is both highly conflictual and highly ambiguous. Conflict over refugee policy has been especially intense during the Trump administration, with multiple attempts to limit the number and nationalities of refugees admitted, with varying degrees of success (Shear, 2017; Amos, 2018; Hirschfeld Davis, 2018). However, refugee policy is also highly ambiguous, with government agencies not even able to define what successful refugee integration means (GAO, 2012).

However, as Fyall argues, NPO street-level bureaucrats appear to have autonomy and discretion for somewhat different reasons than their public government counterparts. Lipsky argues that street-level bureaucrats gain discretion and autonomy because it is hard to measure social service outcomes and because there is necessarily grey area in who is eligible (Lipsky, 2010; Smith & Lipsky, 1993). Difficulty in measuring outcomes given resource constraints is certainly one area where NPO staff gain discretion and autonomy. However, for NPO staff,

outcomes are not only intrinsically difficult to measure but also difficult for government partners to measure because of opportunities inherent in the contracting system. As many government partners acknowledged, most NPOs have difficulty dealing with complex reporting because they have low capacity and resources and prioritize providing services. Because of this, government partners often adjusted expectations for reporting and were more lenient than they are required to be, which may increase NPO autonomy to run the program as they wish.

Further opportunities for NPO discretion and autonomy depend on the type of relationship between the funder and the NPO. The relationships between the case study NPO and government funders cannot easily be categorized as any one type of contracting relationship. Consistent with new public management (NPM) literature, government staff showed a strong normative preference for awarding grants through an open competitive process (DeHoog, 2012). Additionally, many government partners prioritized professionalism of the NPO when reviewing grant applications in order to ensure the NPO could successfully complete reporting requirements (Keevers et. al., 2008; Osborne, 2006). Although some government funders consider an organization's reputation when awarding grants, unlike in a collaborative model, trust was generally not considered before awarding a grant.

Within this competitive model there is some evidence that the government-NPO relationship follows a principal-agent model with NPO staff using information asymmetry to advance their own policy goals. Consistent with past research, staff at the case study organization used their asymmetric information advantage to provide program services to those who may not be eligible under government funding restrictions (Arvidson & Lyon, 2014; Trudeau, 2008). In this sense, NPO staff use information asymmetry to further their own mission of serving all immigrants, over the government's policy goal of providing narrowly targeted services (Van

Slyke, 2006). However, there was little evidence of the use of information asymmetry to maximize personal or organizational resources. This may simply be because NPO staff are unwilling to admit such information. However, it also may point to the importance of maintaining the organization's reputation and trust with government partners.

NPO-government relations also contain collaborative and negotiated elements. As DeHoog suggests, government partners describe using the negotiated contracting model for niche services, in which they know what organizations will provide the services and then negotiate on the specifics of the contract with that organization (DeHoog, 2012). Because the case study NPO is able to provide niche services as an ECBO that other mainstream organizations do not, this may represent an additional avenue for policy influence. Moreover, negotiation and collaboration between government and NPO partners appears to be much more common once already in a grant relationship. Rather than requiring strict adherence to the terms of a grant, most government partners were willing to negotiate small-scale changes in a grant agreement provided the NPO showed evidence that those changes were necessary. This is especially true during the grant renewal process, which both NPO staff and government partners recognize as a site of renegotiation over the terms of the grant. By being able to negotiate changes in an agreement, the NPO is altering the overall policy, albeit on a small-scale.

However, the influence of NPOs to actually affect change through negotiation may be limited because of a lack of organizational capacity and resources to fully engage in the negotiation process which requires having the capacity to gather data and other information to convince the government partner of a needed change. Furthermore, it is unclear whether NPOs are more or less constrained than traditional bureaucrats in making changes through this negotiation process. NPOs may hold an advantage in that there is a formal process of negotiation

for them to express their own preferences. However, unlike traditional bureaucrats who may be able propose program changes at any time, they are generally held to grant with a specific time frame and activities already agreed-on.

Neither government partners nor NPO staff described a pure collaborative contracting model. All government partners emphasized that regardless of trust, the accountability requirements for all organizations were largely the same. However, increasing trust did seem to alter informal norms of accountability for government partners, with lower transaction costs and increased sharing on both sides for trusted partners. While this trust might lead to more autonomy for an NPO, government partners mostly emphasized that mutual trust allowed them more flexibility. NPO staff at the case study organization generally did not reference trust, which may indicate that trust plays a more important role for government partners than NPO staff because of NPOs' asymmetric information advantage. Overall, the level of trust between an NPO and a government partner does not seem to have significant impacts on how policy is implemented. Instead, NPO staff ability to alter public policy appears to derive mainly from information asymmetry, as well as more occasionally from negotiation with government partners.

Beyond staffs' influence as street-level bureaucrats, the case study NPO alters policy by incorporating grants into larger existing projects. The NPO typically integrates new grants into existing programming and only rarely creates entirely new programs. This alters public policy for two main reasons. First, the ability to integrate multiple services through the same organization and staff changes the nature of those services. As research on ECBOs suggests, by providing one-stop culturally responsive services, the case study NPO may provide more effective services than if these same services were provided by the multiple government agencies

who provide grant funding (Jenkins, 1981). Second, the case study NPO alters the programming by tailoring it to its mission. The case study NPO has a unique mission to provide services to the New American community with the goal of enabling opportunity and dignity. This ideological commitment to serving the community is evidenced in the case study organization by staff members willingness to do extra work to expand the scope of programs when they feel it is necessary. In contrast, government programs are generally created with the aim of serving the general public interest, as many government funders acknowledged (Smith & Lipksy, 2010; Fyall, 2016). NPO staff changes to programming to make it more culturally-appropriate and their attempts to expand eligibility and program scope demonstrate how public policy is altered because it is implemented through an organization with a specific ideological mission.

The case study NPO is able to further alter policy by extending project scope and eligibility by funding programs with both government and private funding. That is, the organization played “the walnut shell game” by using various sources of funding to stay compliant to the terms of the government grant while also maintaining their commitment to serve all clients (Wiley & Berry, 2018).

Despite these avenues for policy influence, there are also significant limitations on the level of NPO policy influence. While NPOs are street-level bureaucrats, this does not mean they are wholly in charge of making public policy. As Lipsky acknowledges, street level bureaucrats only make policy in “the context of broad policy structures of which their decisions are a part” (Lipsky, 2010, p.221). NPO staff and government partners both broadly agreed that while small-scale changes in programming were possible and often allowed, large scale shifts in program focus were not. NPO staff universally expressed that if they had full control over the direction of programming it would significantly different.

Moreover, while NPO staff were sometimes able to bend eligibility requirements or increase program scope, there were clear dangers in trying to alter programs too much. While the contracting process may provide more opportunities for NPO staff to exercise discretion, the sanctions for noncompliance are much higher. When government partners felt that NPOs were unable to successfully meet the requirements for service provision and reporting of their grants, they were likely to eventually reengage in the competitive RFP process and give the grant to another organization. Thus, while staff in a hierarchal bureaucracy risk only their own employment when they chose to exercise autonomy and discretion, NPO staff risk both their own employment and the future survival of the NPO.

Finally, NPO staff are limited in their ability to influence policy through implementation because state government partners are limited in their own discretion and autonomy. As Milward & Provan describe, the grant money awarded to the case study NPO often flows from the federal government, to the state through legislation or grants, and then to NPO subgrantees (Milward & Provan, 2000). Thus, government partners also restricted in the autonomy they can grant to NPO partners, regardless of the relationship between them or the shared belief that changes to a policy would be beneficial. Macro-level political conditions and top-down policy dictates do not eliminate bottom-up policy influence, but it does define and constrain the available space for alterations of policy.

Generally speaking, there is a sense among at least some government partners and NPO staff that this space of policy influence is being reduced by increasing requirements for accountability and reporting documentation, as well as stricter standards for how programs must be constructed and run. However, these changes seem to be part of a larger trend rather than the result of current political conditions for refugee and immigrant policies under the Trump

Administration. Instead, it seems more likely that increasing expectations for accountability and diminishing space for NPO policy influence is the result of the larger trends of “roll-out” neoliberalism and NPM at the federal and state level, which values efficiency and uniformity of service provision over the community knowledge held by local NPO service providers (Peck & Tickell, 2002; Keevers et. al., 2008).

Conclusion

When NPOs act as implementors of public policy they alter or even create that policy in two important ways. First, front-line staff at NPOs act as street-level bureaucrats who make important decisions about the scope of services and who is eligible for those services. NPO staff hold this power in large part because the nature of the contracting relationship allows them to strategically conceal information from government funders. Additionally, NPO staff may gain policy influence by successfully negotiating for changes in programming. Second, as a whole NPOs alter policy by integrating government funding into already existing programming which aligns with the NPO's unique mission and commitment to all New Americans.

However, the ability of an NPO to create or alter policy through implementation is limited in significant ways. While the systems of contracting and accountability provide some space for NPO policy creation, the threat of sanctioning by the government partner limits this autonomy and discretion. Moreover, while negotiation provides an avenue for policy influence, the scope of changes that can be made through negotiation is relatively limited. And while trust and a positive reputation may provide informal benefits and increase the likelihood that an organization receives funding, it is unlikely to result in a major extension of policy influence. This is in part because of state government funders own limitations in autonomy and discretion from the state and federal level.

It remains unclear how much impact the current political situation will have on refugee and immigrant-serving NPOs ability to create or alter public policy. Interviewees seemed to see macro-level trends towards greater accountability and reporting as more relevant than any current political events. However, this may be because interviewees were reticent to speak in

political terms, or because the full impact of current political events has not yet reached the street level.

This research suggests several possible policy recommendations for both government funders and NPOs. To some extent, significant changes in the structure of funding provided at the federal level would be necessary for many possible changes to the current system. But given the unlikely possibility that such changes will occur in the near future, there are some steps that NPO staff and those that wish to support their mission can take to enhance their policy influence and advocacy for the community. Most importantly, NPOs can increase their policy influence through negotiation by collecting more information on program outcomes that can be used to successfully make a case for changes during the grant renewal process. State government funders could support this effort by providing technical assistance for newer NPOs that allow them to more effectively collect valuable information that can be used in this negotiation process. Private funders could significantly increase NPO policy influence by limiting NPO reliance on government funding and allowing programs to be expanded and altered beyond government policy restrictions. Finally, as many scholars have suggested, NPOs may be able to expand their policy influence by advocating for policy change outside of the grantor-grantee relationship (Fyall, 2017). While a full examination of advocacy activities by the case study NPO was outside of the scope of this thesis, there is significant evidence that NPOs can benefit from advocating for policy change as part of larger networks of NPO service providers (*ibid*).

This research contributes to a growing body of knowledge that suggests that NPOs influence policy in unique ways, not just through advocacy but also through implementation of government contracts and grants. However, there remain many unanswered questions about the exact impact of NPOs in the policy process. First, because this research looks at a single case, it

is unclear exactly what organizational features lead to greater or less policy influence. Comparative research of multiple organizations could lead to further insight about what particular organizational features lead to the largest impact on policy. Second, this research does not consider the role that expectations of private funders may have on the overall aims of an NPO organization. Examining the combined role of government and private funder expectations may lead to a better understanding of how NPOs navigate multiple sets of expectations and make policy impacts.

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Appendix A: Interview Guide for NPO Staff

1. What are the funding streams for your projects or programs at AALV? What percent would you say come from federal grants? From state grants? From municipal grants? From private sources?
2. How do you decide which grants or other funding opportunities to pursue?
3. Does the source of the funding (eg. federal government, state government, nongovernmental) influence that choice, and if so how?
4. What funding sources (federal government, state government, nongovernmental grants etc) do you feel provide you the most flexibility in deciding the goals and activities of a program?
5. When you are applying for a government grant or contract, to what extent do you feel you are constrained in what activities and goals you can aim for based on the need to meet specific funding guidelines?
6. After you have successfully won a grant or contract with a government funder, do you feel you are able to change the activities or goals of the program to meet the needs of participants?
7. If you do make changes to programs or goals, what does the process of making these changes look like?
 - a. At what point in the process do you inform government funders that you are making changes to program activities or goals?
8. What do you do when people want to participate in your program but don't meet the eligibility requirements set by the funders?
9. What changes, if any, to this relationship have occurred since you started working at this position?

Appendix B: Interview Guide for Government Partners

1. In your organization, who decides what non-profit organizations are awarded grants or contracts?
2. What factors do you consider when deciding who are awarded grants or contracts?
 - a. Do you consider previous partnership with a non-profit organization when deciding on who to award a new contract/grant to?
3. What, approximately would you say is the success rate for applications to the grants and contracts that you manage? How many applicants are on average successful per award?
4. What is the process if a partner organization wants to change part of a program that has already been agreed upon as part of a contract/grant?
5. What steps do you take to hold grant recipients accountable to the terms of their award?
 - a. What, barriers do you see in holding grantees accountable?
6. If a non-profit partner is not meeting the terms of their grant or contract what steps do you take?
7. Does the length of time you've worked with a non-profit partner impact how you hold them accountable for a contract/grant?
8. Have you observed any changes in your relationship with grantees or in the terms of your application, review or awarding criteria over the years?

