



The National Immigration Project

YEAR IN REVIEW | 2022



National Immigration Project in-person staff retreat, July 2022, Washington DC

Being a member of NIPNLG and a monthly donor means that I am part of a community that is working hard to defend the American ideal of "equal protection and justice for all."

- LINUS R. CHAN
Minneapolis, MN

For more than 50 years, the National Immigration Project has fought for justice for those who bear the brunt of racist and immoral immigration laws in the United States. A national membership organization of committed lawyers and advocates, we have held steadfast in our values and worked to protect the rights of all people, including those most impacted by our immigration and criminal laws.

We support and partner with those who face the greatest challenges with the fewest resources, pursue all forms of legal advocacy on behalf of immigrants, and provide technical assistance and support to legal practitioners, community-based immigrant organizations, and people working to advance the rights of noncitizens.

National Immigration Project
2201 Wisconsin Ave. NW, Suite 200
Washington, DC 20007
Telephone: (617) 227-9727 • Fax: (617) 227-5495
www.nipnlg.org • @nipnlg
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We can't do anything alone that's worth it. Everything that is worthwhile is done with other people.

- MARIAME KABA

We Do This 'Til We Free Us



LETTER FROM THE EXECUTIVE DIRECTOR

Sirine Shebaya

This year began with some devastating losses for the immigrant community. While many of these losses were not unexpected, they took a significant toll - on all of us, but especially on groups that represent or work directly with impacted people. Still, in the face of all that, for us it was a year of renewing our commitment to **hope, optimism, and resilience**.

The stakes are always very high in our line of work, which makes it hard to celebrate progress when there is so much more our communities need. But even though we did not accomplish all we set out to do, **together we achieved some remarkable victories**. So I'm taking a moment to highlight and celebrate that, and to reflect on what we learned as we create our roadmap for the next steps forward.

- Interior arrests are down. That means thousands fewer people are suffering the ravages of detention and deportation every day. The change in enforcement priorities, while not everything we hoped for, signaled an important shift. Because of our advocacy, people with "aggravated felony" convictions were, for the first time, not categorically deemed to be enforcement priorities.
- There has been a sea change in the detention landscape, with decreased requests for detention funding from the administration and several major facilities being shut down. This was a result of concerted, years-long advocacy and organizing as well as the strategic, movement-supportive litigation we brought that helped seal the deal in specific communities.
- The pandemic created concrete possibilities that brought to light the horrifying conditions people face when they are fighting for immigration relief. Ultimately that helped free hundreds of people from detention and deepened connections between those fighting for decarceration in the immigration and criminal legal systems.
- There is increased awareness of the critical importance of the border and the need to come together around an affirmative welcoming vision that can withstand political winds.
- We are coming together more deliberately to convene attorneys, advocates, and thinkers on crim-imm, migrant prosecutions, immigration court challenges, and on the future of immigration litigation in the face of the Supreme Court's rightward lurch. Each of these working groups has been productive and energizing, and has helped us shape our vision for the future of our work.

The key lesson we have learned is that there is **nothing more important than focusing on building a solid foundation** - internally for each of our organizations, externally with partners and allies, and cross-movement so we can truly support and uplift each other. The issues we fight for have always been decades-long battles, and we see the fruits of our labor when we don't give up despite obstacles or give in to the temptation to chase after the next new thing.

Against that backdrop, we see the latest challenges we are facing as opportunities. When immigrants are left out of President Biden's marijuana pardons, we see this as **an opportunity for concerted advocacy and cross-movement building, education, and allyship**. When things unravel because of the capture of destructive narratives about the border, we see this as **an opportunity to understand where we need to focus harder in the next few years**. We also see it as further proof that trading off one group of immigrants for another is never going to work and will always lead to harm and injustice. To keep advancing our goals, we will continue to **highlight the racist origins and impact of our immigration system**; we will continue to use litigation, advocacy, convening, public education, narrative strategy, and every single tool at our disposal to **dismantle the incarceration and criminalization of immigrants**; and we will continue to **insist on finding hope and new strength to keep moving forward**.

Three years ago, I became the executive director of this stalwart organization, and looking back I see a clear arc of our trajectory during that time, leading up to this moment of reflection, building foundations, and **grounding ourselves again in our vision of a world where everyone can live freely and thrive**. I am so grateful for your partnership and support, and look forward to all the great things we will do together in 2023.

With gratitude,



Sirine Shebaya

Executive Director





LETTER FROM THE BOARD CHAIR

Carlos Moctezuma García

This year we celebrate 51 years! The National Immigration Project continues to thrive with more members, law firm partners, and staff than we've ever had.

People say that time flies, but if that's true, the National Immigration Project must be soaring.

Looking back at 2022, I'm in awe at how much we've accomplished together. This past was a year marked by exciting growth, tremendous expansion of our CLE programming, and some serious doubling down on our litigation and advocacy.

Three years ago, when I first took the position of Board Chair, the National Immigration Project had 5 staff members. This year, after strategic additions over the past two years, our staff is up to 14 - soon to be 15 - people, the most in the Project's 51 year history.

But we've grown in much more than numbers. Our new staff members brought with them new skills and areas of expertise, and they increased our training capacity significantly. They helped round out our knowledge base, enabling us to fire on all cylinders when it comes to building capacity in the field by training attorneys and advocates across the country. With their help, we provided more than 34 trainings and webinars, with a mix of paid and free offerings. We also produced dozens of timely and much-needed resources to the field. In many ways, we leveled up as an organization, and we are now better equipped than ever to help our members solve the legal and advocacy challenges they encounter.

Along with the impressive expansion of our CLE curriculum and our increased resource production, perhaps the best part to witness as board chair was how seamlessly our newest attorneys became part of our already dynamic team. That's one of the things that makes me proudest about being a part of the National Immigration Project. We are an organization so steadfast in our values and so unwavering in our mission that we naturally seem to bring together the brightest and most committed individuals. I saw it happen with our newest staff members, and I see it constantly with our growing membership base.

Sometimes, the puzzle pieces come together and reveal something that exceeds your expectations. That's what 2022 felt like to me. I'm excited for what the future holds as our team continues to grow (maybe not in numbers, but definitely in skills!). Despite the many challenges and obstacles, I know we're ready to keep fighting — and I know we're ready to win.

With gratitude,

A handwritten signature in black ink, appearing to read 'Carlos Moctezuma García'. The signature is fluid and stylized, with a large loop at the end.

Carlos Moctezuma García
Board Chair

OUR IMPACT AT-A-GLANCE

From fighting in the courts and advocating in DC to creating one-of-a-kind resources and teaching the courses our movement needs, in 2022, the National Immigration Project continued to use every tool at its disposal to help create the world our communities deserve.

12

educational resources for attorneys

7

digital toolkits & communications campaigns

10

convenings & community conversations

9

amicus briefs

30

lawsuits and direct representation cases

16

legal advocacy initiatives

8

reports & community resources

24

networks & collaboratives

34

trainings, webinars & courses

The NIPNLG is an invaluable resource in my office! Keep up the excellent work.

- CHRIS CHRISTENSEN
Meridian, ID

IMPACT SPOTLIGHT

TRAINING UP A CORPS OF MOVEMENT LAWYERS

In 2022, with the addition of 4 new programmatic staff members, the National Immigration Project was able to lead and participate in more trainings than ever before. This year, our attorneys led and/or helped teach more than 30 trainings and webinars. We added new training series to our curriculum, including a 12-part webinar series on removal defense, two four-day National Institute for Trial Advocacy and NIPNLG trainings, and multiple webinars on Special Immigrant Juvenile Status (SIJS) regulations. We look forward to continuing to expand our training curriculum to help build up the field and support the movement for immigrant rights.



SHAKOURE CHARPENTIER

Shakoure Charpentier was born on an Air Force base in Germany to a U.S. military family of Haitian descent. His father, a Vietnam War veteran, and his mother returned the family back to New York shortly after Shakoure was born.

When he was just 18, Shakoure and 7 other teenagers were rounded up and arrested for a subway mugging that resulted in a stabbing death. The case caused a media frenzy across the nation. This was already the era of broken windows policing and a racist “tough on crime” approach to law enforcement that unfairly targeted young Black men especially. Though not accused of having any role or knowledge of the stabbing, Shakoure was convicted of felony murder on the sole theory that he had acted as a lookout, and was sentenced to 25 years to life in prison.

While in prison, Shakoure pursued an education and received his GED, Associate's Degree, Bachelor of Science, and finally a Master's Degree. He also became deeply involved in various arts programs, including video production. Shakoure understood the need for young people like him to be able to participate in creating media – not just becoming subjects of others' narratives.

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On March 2, 2015, Shakoure was released after serving 24 years in prison. He immediately embarked on creating his own organization, From Bars II Beyond, which

works with youth to create content that spotlights stories of redemption and success, like his own. In tandem, he also founded a production company, Transcendence Media, that has worked with companies like Roboto.nyc and Knotel to major brands like Hypebeast, Hosh, and Hilton Hotels. He is engaged to a nurse and their family of four live in Queens, NY.

On July 6, 2020, however, ICE arrested Shakoure at his home and detained him. Shakoure's community immediately came together to fight for his freedom, and campaigned until he was released 7 months later. Unfortunately, Shakoure is still in removal proceedings and threatened with deportation to Haiti – a country he has never been to.

With help from the National Immigration Project and the NYU Immigrant Rights Clinic, Shakoure is continuing to fight his case, pursuing a pardon and relief from deportation.



CLIENT SPOTLIGHT

OLAITAN MICHAEL OLANIYI

Olaitan Michael Olaniyi came to the United States from Nigeria in 2011. He was a conditional permanent resident of the United States before he was taken into immigration detention due to a conviction in May 2019. Olaitan was transferred to the Farmville Detention Center in Virginia in May 2020, in the middle of the COVID-19 pandemic.

One month into his detention at Farmville, ICE transferred 74 people from Florida and Arizona to Farmville without prior COVID-19 testing. As a result, the virus entered the facility, and it spread like wildfire. Eventually, 88 percent of the detained population at Farmville tested positive for COVID-19—including Olaitan, who tested positive twice within two months. He experienced several COVID symptoms for months, but all the facility provided him was Tylenol.

In December 2020, officers at Farmville discharged pepper spray in Olaitan's dorm, which exacerbated the effects of his COVID-19 infection. He continues to suffer from the effects of long COVID to this day.

Olaitan is a screenwriter, storyteller, creative writer, and motivational speaker. Olaitan began experiencing memory loss after his COVID infection, making it much more difficult to do what he loves. He would write screenplays using the computers in detention. On one occasion, Farmville staff deleted all of his screenplays—one of which he was being paid to write. He stopped writing in detention after that incident fearing that all of his work will be taken from him again.

He recounts his experience at Farmville as one of the worst experiences of his life. As someone who is medically vulnerable to COVID-19, Olaitan did not know whether he would survive in detention. Olaitan joined a group of other plaintiffs to come forward and fight back, allowing the National Immigration Project to file the Santos Garcia litigation on their behalf.

Olaitan has continued to write screenplays and stories. Because of his passion for social justice, he has also gotten involved with younger people in Nigeria to demand better governance. The totality of his ordeal and eventual immigration outcome provides a quintessential example of why the National Immigration Project continues to fight tirelessly for a fundamental transformation of our immigration system.

Learn more about our *Santos Garcia* litigation on the next page.





LITIGATION SPOTLIGHT

SANTOS GARCIA ET AL V. WOLF ET AL

In the summer of 2020, Farmville Detention Center in Virginia became the site of the largest COVID-19 outbreak in any immigration detention center in the country after ICE transferred 74 people from detention centers in Florida and Arizona. ICE made those transfers as a pretext to enable it to quickly bring DHS agents to Washington, D.C. in order to suppress the 2020 Black Lives Matter protests.

In response, the National Immigration Project and its partners sued ICE and Farmville on behalf of fifteen detained immigrants citing the deplorable conditions inside the detention center and large numbers of people with COVID-19 symptoms who lacked even the most basic medical care. As a result of the litigation, the court barred transfers into the facility for two years and the population of the facility went from over 350 people to 0.

In July 2022, after two years of ongoing litigation, a settlement agreement on claims for injunctive relief was finally reached, placing strict limits on ICE detention at Farmville. Under the agreement, which will last for two years or until the CDC declares the end of the COVID-19 pandemic, Farmville Detention Center is only allowed to detain a maximum of 180 individuals – roughly 25% of its capacity – and can only accept transfers of individuals who are vaccinated, asymptomatic, and test negative for COVID-19. The parties also reached an agreement on our clients' claims for damages against the facility and ICE resulting in compensation for the many harms our clients faced in detention.

This settlement put in place important protections for people detained at Farmville from the threat of COVID-19, but we know the fight is far from over. Immigrant lives are in danger anytime they are in ICE custody. Alongside our partners, we continue to push to shut down Farmville and put an end to immigrant detention.

LITIGATION SPOTLIGHT

LOUISIANA V. CDC

For nearly three years, a border policy known as Title 42 has effectively shut down our asylum system and endangered the lives of thousands of people fleeing persecution. This Trump-era policy that has blocked thousands of asylum seekers from pursuing relief was passed under the pretext of COVID-19, despite overwhelming evidence that the policy does nothing to protect public health.

In April 2022, when the Biden administration finally announced it would lift this callous policy, a group of states — most of which have no international border — sued in federal court in Louisiana to keep it in place. In *Louisiana v. CDC*, a federal district court judge issued a Temporary Restraining Order blocking the Biden administration's Title 42 Termination Order from taking effect nationwide.

The National Immigration Project partnered with the Center for Immigration Law and Policy at the UCLA School of Law (CILP) to file

a motion to intervene in the case on behalf of a family seeking asylum at the California-Mexico border and Innovation Law Lab, an organization which provides legal support and assistance to asylum-seekers.

We sought intervention for a single purpose: to argue that any order blocking the termination of Title 42 should apply only in the plaintiff states and should not apply nationwide. States like Arizona and Texas, two of the most hostile states to immigrants, should not be allowed to dictate national immigration policy.

Most recently, in November 2022, a federal district court judge in Washington, D.C. found Title 42 illegal and vacated it nationwide. However, the plaintiffs in this Louisiana case have continued their efforts to block the termination of the policy. At the National Immigration Project, we will continue to use every tool at our disposal to push back on inhumane border policies and ensure that people can meaningfully seek protection in the US.





OUR WORK AT THE SOUTHERN BORDER

ADVOCACY SPOTLIGHT

OPERATION LONE STAR

In March 2021, Texas Governor Greg Abbott launched Operation Lone Star, a racist, unlawful, and xenophobic program through which Texas law enforcement officers target migrants for arrest, jail, and deportation. For nearly two years now, this multi-billion dollar enforcement operation has fueled the mass incarceration of people of color and encouraged white supremacy rhetoric in Texas and throughout the nation.

Under Operation Lone Star, thousands of state police and military members have been deployed to border communities where they target and arrest Black and brown migrants – many of whom are legally exercising their right to seek asylum – charge them with trespassing on private property, and then funnel them into Texas jails. Facing dangerous jail conditions, a lack of due process, and up to a year in prison, migrants often enter a guilty plea and are sent into a federal deportation pipeline.

While the program is confined to the state of Texas, this state-created immigration

enforcement system threatens to embolden other states and localities along the border to initiate similar discriminatory programs.

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The National Immigration Project is committed to supporting Texas-based organizations as they push back against this program at the local, state, and federal level. We have helped lead efforts calling for a federal investigation of this racist scheme, created social media toolkits and educational materials, and sent a staff member to the US-Mexico border to witness the program and strategize with on-the-ground organizers about how we can create national awareness and bring an end to the program. We will continue to support our on-the-ground members and partners in Texas in fighting back against this vicious and discriminatory program.



ADVOCACY SPOTLIGHT

UNAUTHORIZED ENTRY AND RE-ENTRY LAWS

The laws used to criminally prosecute people for entering and reentering the United States without permission are known as Sections 1325 (“unauthorized entry”) and 1326 (“unauthorized reentry”). They originate from a law passed in 1929 amid the height of the eugenics movement to further racist and white supremacist ideology. The racist intentions of that law were reinforced and confirmed with each successive reenactment, and continue to be felt today, as criminal prosecutions under Sections 1325 and 1326 are again on the rise.

In recent years, people charged under 1326 have challenged the law because Congress enacted it for overtly racist purposes and the law has been applied in a discriminatory manner. Last year, in a landmark decision, a judge in the United States District Court for the District of Nevada ruled that 1326 is indeed unconstitutional. However, the government appealed this decision and the case will now be heard in the 9th Circuit.

Supporting federal defenders in the trenches, the National Immigration Project convenes a coalition of scholars, attorneys, and organizations across the country who partner to shine a light on the racist intentions and effects of immigration prosecutions. In recent years, we have released resources for attorneys, explainers for community advocates, and a report with stories of people who have been targeted and impacted by these unjust laws. Our attorneys have also filed friend-of-the-court briefs in seven court of appeals cases that highlight the harm these laws have on families and communities. We have worked with Congressional offices to pressure the Department of Justice to deprioritize immigration prosecutions and advocated directly with the administration to change its approach to these prosecutions.

Decriminalizing migration is essential to ending systemic injustices, reducing mass incarceration, keeping families together, and protecting fundamental human rights. Alongside our partners, we will continue fighting to bring an end to these harmful and racist laws.

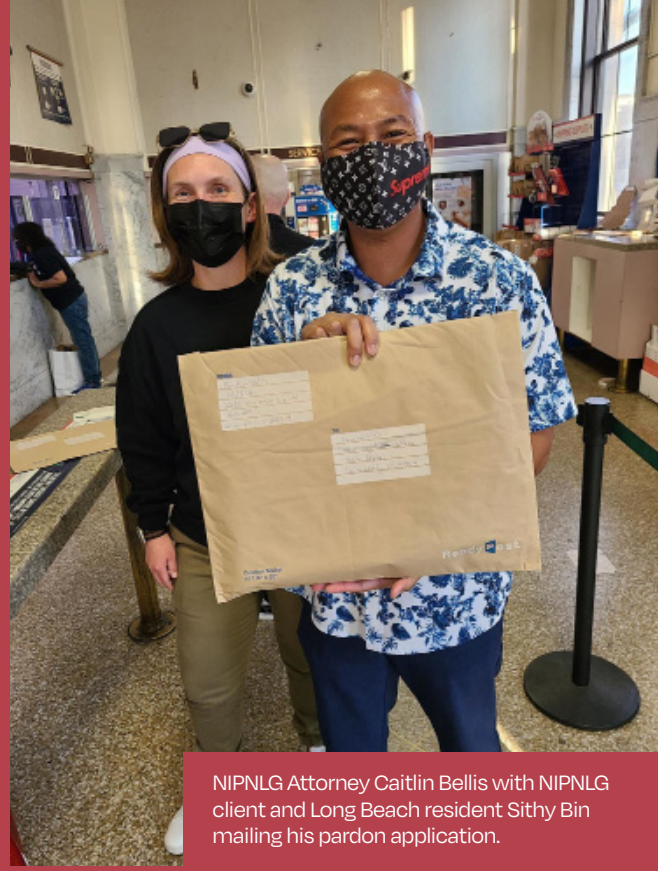
ADVOCACY SPOTLIGHT

CREATING AN INCLUSIVE PARDON PROCESS

In May 2021, the Biden administration announced that it was planning to create a process for issuing pardons that focused on racial equity. Immediately following the announcement, the National Immigration Project and several key partners released a letter urging the administration to include immigrants in the planned pardon process. Nearly 200 immigration, criminal justice, and civil rights organizations signed on to remind the administration that the same racial inequities infect both the criminal legal system and the immigration enforcement system – but that immigrants are frequently left out of criminal justice reforms.

More than a year later, in October 2022, the President pardoned thousands of people who were convicted on federal charges of simple possession of marijuana. While these pardons were long overdue and necessary, they regrettably failed to protect many immigrants from negative implications of marijuana-related activities on their immigration status. The National Immigration Project responded immediately. We released a statement pointing out this failure, and led a second sign-on letter, again joined by over a hundred organizations, echoing the demands of the first and asking the President to ensure that the pardon process does not leave immigrants behind.

The National Immigration Project is also engaged in local pardon and clemency work. We currently represent three individuals seeking gubernatorial pardons to prevent



NIPNLG Attorney Caitlin Bellis with NIPNLG client and Long Beach resident Sithy Bin mailing his pardon application.

their deportation, and are supporting pardon campaigns in different parts of the country. The National Immigration Project is also a member of the California Clemency Coalition.

Along with its partners, the National Immigration Project will continue working to ensure that immigrants can benefit equally from the pardon process, whether presidential or gubernatorial, and that post-conviction relief obtained in state court has real effect in immigration courts as well. Likewise, we will continue to advocate so that people who receive a pardon or clemency are able to return to and stay with their families and communities.

ADVOCACY SPOTLIGHT

BAMEMSA ADVOCACY

For decades, immigration policies have targeted Muslim immigrants and immigrants from BAMEMSA (Black, Arab, Middle Eastern, Muslim, and South Asian) communities with special vigor, advancing racially charged narratives about immigrants, and building policies and laws around those narratives.

In the immigrant rights field, issues impacting BAMEMSA communities can sometimes feel siloed or overlooked. As an organization situated within the immigrant rights movement but with a longstanding history of focusing on those who are most impacted and targeted, the National Immigration Project believes it critical to focus specifically on legal, policy, and advocacy issues that target those communities, to uplift the work of BAMEMSA organizations, and to ensure that our struggles are all integrated into a single broader movement for immigrant justice.

This summer, we brought together a diverse group of voices and people working on these issues for an extended conversation

about how we can best support each other and challenge the laws and policies that criminalize our communities. The two-day convening focused on the specific issues that BAMEMSA community members face within the immigration system and provided much-needed space to coordinate on strategies and goals. Following the convening, we are launching a digital media campaign that will feature stories of people whose situations highlight the discriminatory targeting and deplorable treatment BAMEMSA immigrants receive within the immigration system.

In addition to the convening, we have launched several FOIA projects, advocacy projects, and litigation projects that we plan to continue in the coming year. Alongside our partners, we will continue working to ensure that the critical stories and voices of BAMEMSA community members are woven into the fabric of the broader immigration movement.

This critical work is made possible through the generous support of the Pillars Fund.



OUR MEMBERS

The National Immigration Project is a political and legal home for our members—the place where you can get answers to difficult legal questions, learn skills and access resources, connect with broader advocacy efforts, and more. To learn more about our member benefits and become part of the NIPNLG community, visit nipnlg.org/join.html.

NON-PROFITS

ACLU Immigrants' Rights Project
ACLU of Northern California
ACLU Southern California
Adelante Alabama Worker Center
American Immigration Council
AYUDA
Bethany House of Hospitality
Black Alliance for Just Immigration
Brooklyn Defender Services
California Collaborative for Immigrant Justice
Catholic Charities Diocese of Owensboro
Catholic Charities of Oregon
Center for Appellate Litigation
Center for Constitutional Rights
Chispa
Civil Rights Education and Enforcement Center
Community Legal Services in East Palo Alto
Comunidad Maya Pixan Ixim
Council on Immigrant Relations
Detention Watch Network
Disciples Refugee & Immigration Ministries
Drug Policy Alliance
Florence Immigrant & Refugee Rights Project
Hand Up Network
Immigrant Defenders Law Center
Immigrant Defense Project
Immigrant Legal Defense
Immigrant Legal Resource Center
Immigration Resource Center of San Gabriel Valley
Inter-Faith Committee on Latin America

International Refugee Assistance Project
International Service Center
Justice For Muslims Collective
La ColectiVA
La Resistencia
Las Americas Immigrant Advocacy Center
Long Beach Immigrant Rights Coalition
Mariposa Legal
Migrant Justice
Migrassist Corp
Minnesota Freedom Fund
National Council on Independent Living
National Immigrant Justice Center
Heartland Alliance
National Immigration Law Center
National Immigration Litigation Alliance
National Network for Immigrant & Refugee Rights
NCAAT
NorCal Resist
Northwest Immigrant Rights Project
Queens Defenders
Rocky Mountain Immigrant Advocacy Network
RSHM LIFE Center
South Asian Americans Leading Together
Southeast Asian Defense Project
Southern Poverty Law Center
Texas RioGrande Legal Aid
The Meyer Law Office, P.C.
Viator House of Hospitality
Zolberg Institute on Migration and Mobility at The New School



2022 Member Reception and Elisabeth S. "Lisa" Brodyaga Award Event, June 2022, NYC

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CLINICS

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 Cornell Law School Asylum Clinic
 CUNY School of Law
 DePaul University Legal Clinic
 Duke Law Immigrant Rights Clinic
 Immigrants' Rights Clinic, Mills Legal Clinic, Stanford Law School

Jerome N. Frank Legal Services Organization, Yale Law School
 Rutgers Immigrant Rights Clinic
 St. Mary's University Center for Legal and Social Justice
 Tulane Immigrant Rights Clinic
 Washington and Lee School of Law

Being part of the National Immigration Project is to be part of a movement for good; in troubled times, more important than ever.

- ANNE PILSBURY
 Brooklyn, NY

OUR SUPPORTERS

Thank you for supporting our fight to advance and defend the rights of all immigrants and noncitizens living or seeking to live in the United States. We are especially grateful to our donors and philanthropic partners, our organizational allies, and our dues-paying members.

You are truly at the heart of our work.

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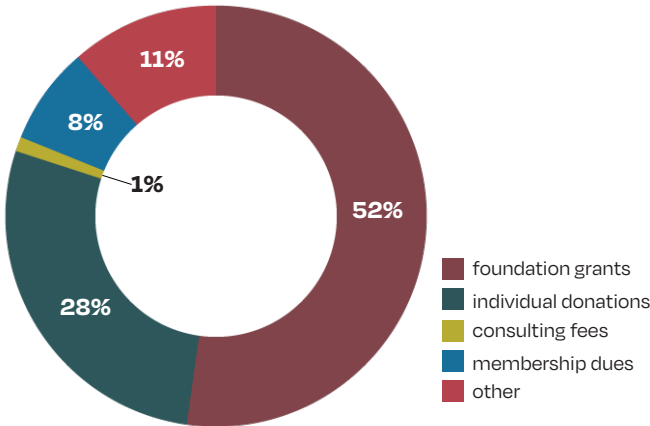
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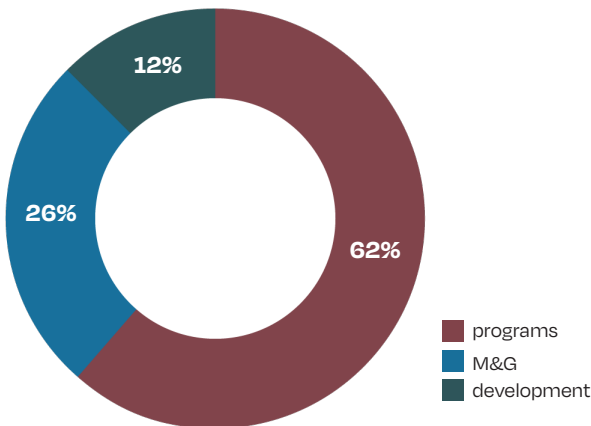
Younger Family Fund

FINANCIAL SUMMARY

2021 REVENUE



2021 EXPENSES



OUR REVENUE & EXPENSES

Income in 2021 derived from individual and foundation contributions, membership dues, book royalties, consultant work, and seminar tuition.

2021 expenses reflect continuing investment in expanding our programmatic work, management and institution-building for the organization's future, and continuing to respond to the COVID-19 pandemic.

The National Immigration Project is a non-profit charitable organization under Internal Revenue Services code 501(c)3. All contributions are fully tax-deductible to the extent of the law.

To learn more about supporting our work, contact development@nipnlg.org.

Platinum
Transparency
2022

Candid.

We continue to be inspired by the passionate work of the National Immigration Project. In a world increasingly marked by division and disparity, NIPNLG's commitment to upholding humanity, equality, and justice could not be more important. We applaud their holistic approach to expanding and defending immigrant rights nationwide, and we are proud to support their continued work in the upcoming year.

-THE VAN AKEN FAMILY
New Hope, PA

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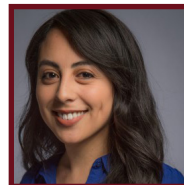
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National Immigration Project

2201 Wisconsin Ave. NW, Suite 200

Washington, DC 20007

Telephone: (617) 227-9727 • Fax: (617) 227-5495

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