

Making a Difference Today While Planning for a Better Tomorrow

Managing through disruption is intrinsic to the National Immigration Law Center's (NILC) mission to defend and advance the rights of low-income immigrants and their loved ones. Founded in 1979, NILC has decades of experience responding to assaults on immigrants' rights. The election of Donald Trump in the fall of 2016 ushered in a new level of intensity of assault, bringing forth a maelstrom for immigrants' rights that had been many years in the making.

NILC demonstrated its ability to respond swiftly and effectively in the face of persistent volatility in the two-and-a-half years spanning that election and the writing of this case study. The organization's litigation efforts challenging the Muslim ban successfully raised awareness about its unconstitutional underpinnings and helped amass a broad coalition led by Muslim, Arab, and South Asian communities focused on fighting it. In addition, NILC mounted a multi-pronged effort to defend the Deferred Action for Childhood Arrivals (DACA) program and recipients. NILC also coordinated a coalition of nearly 400 organizations in more than 35 states to fight back against proposed regulations that, if enacted, would jeopardize the health and well-being of lawfully-residing immigrant families struggling to make ends meet.

In this same time frame, the organization underwent massive and sustained growth. In the fall of 2016, NILC had a Twitter following of less than 14,000 and an individual donor base of 700. NILC's followers and donor base both experienced growth spurts immediately following the presidential election. Since then, the nonprofit's supporters and audiences have continued to grow. As of late 2018, NILC had 72,000 Twitter followers and over 21,000 individual donors.

Getting ready

In 2016, NILC was already thinking about sustainable growth and potential adaptations to their strategic approach, due in part to planning discussions initiated through a multi-year commitment from the Ford Foundation for general operating and capacity-building support. With the leadership of long-time Executive Director Marielena Hincapié, NILC also established a practice of scenario planning – telling stories of the future in order to anticipate emerging challenges and envision a more equitable and inclusive future for the country. The immigrants' rights field had been on the defensive for several years, so NILC began using scenarios to help manage through the uncertainty, conceive future opportunities to challenge the status quo, and shift the dominant narrative away from one that demonizes the immigrant communities to one that celebrates their contributions.

In 2016, Hincapié's foresight and NILC's scenario planning skills helped propel the organization forward. Hincapié reflected, "In summer of 2016, I was starting to see the writing on the wall and was really concerned. I was watching what was happening around the world – Brexit, the peace process in Colombia falling apart ...

Organizational snapshot

- *Year founded:* **1979**
- *Annual budget (2018):* **\$11.2 million**
- *Number of employees (2018):* **73**
- *Geography served:* **United States**
- *Nature of disruption:* **Public policy change, growth in funding, need to quickly scale up**

the [U.S. election] polls had to be wrong. I wanted us to be prepared.” In the summer of 2016, NILC began developing scenarios for what immigrants’ rights might look like under a Trump administration versus a Clinton administration. It was both a playful and rigorous process. Staff did role playing under each scenario, working to imagine the laws that each administration would likely implement.

With scenarios in hand, the team looked at the implications for NILC and even took the next step of planning, including identifying key legal questions under each scenario so NILC would be ready to reach out to partners after the election, drafting fact sheets to help immigrants understand their rights under the country’s new leadership, and even drafting separate donor appeals for Trump and Clinton presidential scenarios. In the early morning on November 9, 2016, as Trump’s election was being announced, NILC issued a press release highlighting expected threats to the rights of immigrant and refugee communities, quickly followed by a donor appeal.

Responding to the new context

Although NILC was prepared, the election results were deeply distressing. As NILC Senior Officer of Institutional Giving Marisa Aguayo recalled, “Everyone was really troubled. . . . What does this mean for our work? For our families? For our communities? . . . We were shaking and trying to get it together to send out the [donor] appeal. Before we even sent out the appeal, our computers started ding with donations coming in. . . . Even though we didn’t think we’d have to use it, we were ready with an appeal outlining what we expected to be up against under a Trump administration.”¹

In the months that followed, NILC was operating all hands on deck and all hours of the day in rapid response to assaults on immigrants’ rights. In just the first half of 2017, immigrants’ rights activists were fighting restrictions against people from several Muslim-majority countries from entering the U.S., threats to rescind the DACA program, increased detentions and deportations, efforts to cut off federal funding to cities refusing to enforce federal immigration laws, and more. While NILC’s scenario planning efforts helped the team anticipate the Trump administration’s hostility toward immigrants, by the summer of 2017, it became clear that NILC couldn’t continue operating in crisis mode. Leadership needed to slow down to invest in the team’s well-being, as well as step back and look toward the future.

“We’re not institution building. We’re movement building.”

– Marielena Hincapié, Executive Director, National Immigration Law Center

A long-term vision of hope

“We were experiencing attempts to reshape who we are and what we look like as a nation,” recalled Hincapié. It was time to “begin the process of developing a new strategic direction, focused on rethinking who we are becoming as a nation, who we want to become, and how do we [NILC] play a role in helping to reshape the identity of the country.” According to Hincapié, “Embarking on the strategic framework allowed us to take a step back and dream about what could be possible in 20–30 years. . . . Initially it was really hard for staff to think this far out because of the urgency of the moment. I was saying to staff and board members, ‘let’s not be constrained by today’s political realities.’”

The result was a new focus on both tactics and directions of strategic importance. These areas included fighting for just laws and policies, creating a pluralistic narrative, and supporting movement building to help achieve a vision of a society in which all people, regardless of income or immigration status, can thrive. For NILC Communications Director Adela de la Torre, the new strategic direction has allowed the organization “to take a step back when each issue is popping up and decide whether it fits or not. If not, we will be an ally but we will not be leading the fight.”

¹ The huge response and influx of donations was due in part to being included on a list published by *Jezebel* of pro-women, pro-immigrant organizations that readers looking to take action could send a donation. ACLU and Planned Parenthood were also on the list.

The development of the new strategic priorities led Hincapié to realize that “... we also needed this long-term vision for the movement as a whole; a narrative that could really counter the anti-immigrant narrative.” NILC is now co-leading an external process to develop a shared long-term vision and narrative among 40–50 allied groups. Hincapié says, “We’re not institution building. We’re movement building. We’re intentionally trying to build capacity and health of the broader movement for immigrant rights.”

A culture of caring

The intense work and stress was taking a toll on staff in the first half of 2017. As the team was rapidly responding to threats in service of broader immigrant communities, many members of the team were being directly impacted as immigrants themselves. “They are not just hypothetical programs and threats, but things people have lived through,” de la Torre recalled. Similarly, Hincapié said, “We had someone on our team who had a cousin who was blocked from coming in. We have a number of staff with undocumented family members or who have DACA. I had a brother who was denied citizenship. It was deeply personal. We started creating spaces [for staff] to talk about it and express what they [were] feeling.”

NILC has since taken several steps to cultivate a culture of caring for staff who are at the frontlines of creating a better future for immigrant communities to which they’re deeply and often directly connected. For instance, an expert in trauma support was brought in to lead a session on wellness and mindfulness for staff. Leadership established a wellness fund through which staff members receive an allotment of funds in each paycheck to dedicate to personal health and well-being. The board actively communicated their institutional commitment to well-being, and leadership encouraged staff to take the time off that they need to recharge.

Hincapié sees her role in cultivating a culture of caring as being, in part, about “being vulnerable as a leader,” sharing what she’s going through and how she’s caring for herself, with the recognition that others are likely having similar experiences. Another reason to invest in self-care is to maintain high-quality work and, when the time is right, “to responsibly pass the baton on to someone else.”



The S. D. Bechtel, Jr. Foundation commissioned consultant Diana Scarce to explore what it takes to cultivate nonprofit resiliency. The inquiry yielded a series of resources, including an overview describing preliminary observations and case studies examining the ways nonprofits weather disruptions. A second phase of research is underway, which will include the development of additional case studies.

See the full series online at sdbjrfoundation.org/effectiveness/resiliency