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Testimony in Support of HB 3265
Northwest Workers' Justice Project
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Chair Bynum, Vice-Chairs Noble and Power, and Members of the House Judiciary Committee,

Northwest Workers' Justice Project (NWJP) strongly supports HB 3265 to protect Oregonian families and preserve local resources. NWJP provides legal representation in employment matters, policy advocacy, community legal education, and training to our clients. Our organization serves a broad range of individuals, but our work is particularly concentrated on the employment rights of immigrant workers throughout the state of Oregon. Hardworking immigrants are an essential part of the economic engine of our economy, and they should be safe from unfair harassment and profiling.

The Sanctuary Promise Act strengthens our current sanctuary law in ways that are crucial for low-wage, immigrant workers and for achieving justice in workplaces. The Act will help us build government agencies charged with enforcement of our state workplace standards build trust with immigrant communities by clearly prohibiting local law enforcement and governments from working with and communicating with federal agents for the purpose of immigration enforcement. Importantly, the Act allows community members to seek accountability when the law is violated, ensuring that this prohibition is meaningful. And, it protects Oregon's justice system by enshrining into law the current state court rule that prohibits warrantless civil arrests in and around courthouses.

We regularly have to counsel our immigrant clients on their right to receive the minimum wage and overtime premiums, the availability of enforcement mechanisms to address discrimination and retaliation, and the health and safety protections that should be available at their workplaces. Time and time again, we must walk the delicate balance of encouraging vulnerable workers to stand up for their rights, while knowing that one rogue government employee could put their safety at risk by sharing information with federal immigration agents. When immigrant workers do not report workplace violations, all workers suffer as unscrupulous employers find an advantage in exploiting the fear of immigrant workers.

Over the last few years, the civil arrests by federal immigration agents in and around Oregon's courthouses have created a climate in which our immigrant clients are even more reluctant to assert legitimate legal claims for relief arising out of their employment, particularly if the process will involve visiting an Oregon Courthouse or other public building. Our client community has become increasingly panicked about attending court as litigants, or even as witnesses. The courts defend the rule of law. If immigrants cannot safely go to court, the rule of law collapses. Although we at NWJP are most often concerned about this in the context of litigants taking affirmative steps in the courts to enforce their rights, we also regularly encounter clients who are required to attend court in connection with criminal or domestic relations cases, but desperately fear that meeting these obligations will cause them to be arrested by ICE.

The impact of ICE courthouse arrests on our clients has been profound, and has even affected whether people feel safe providing testimony to the Oregon Legislature. Below are a few of our clients' experiences. (Unrelated initials are given to protect the individuals involved):

- CL was a client in a hard-fought, lengthy wage claim. In the course of that experience, he became involved in our legislative advocacy regarding wage theft legislation. He came to Salem to testify and to share his experience with individual legislators. He thoroughly enjoyed doing so, and even helped us to recruit other worker witnesses. However, after ICE began making arrests in the courthouses, he became very reluctant to go to the Capitol out of fear that ICE also would be there to make arrests. We explained that this was unlikely and that we had never experienced ICE's presence at the Capitol. In the end, he agreed to go, but then did not appear at the time and place set for him to get a ride from Portland to Salem. We believe that he missed that appointment and stopped engaging in policy advocacy of because of second thoughts about the fears that he had been expressing.
- AZ was a maid cleaning hotel rooms for many years and was not paid minimum or overtime wages. AZ was extremely afraid that if there was a trial in her case she would be arrested by ICE while she was in the courthouse. Most of all she was afraid that someone she knew would see her being taken into custody and felt very humiliated by that prospect. She settled her case at a discount in no small part to avoid having to go to trial and risk confrontation with ICE.
- EA worked several years for a saw mill, as a temporary worker referred by an employment agency. He was injured on the job. His injuries were such that he could not return to his old work at the mill, but during the time his workers' compensation case was pending, he was assigned to light duty by the temp agency, holding a sign on the street advertising the temp agency. When his case was settled, he was discharged, even though he was entitled to be placed in any available job that he was physically able to do. EA expressed great fear of going to court to assert this right, *even though he has lived in the United States for many years, and has a valid social security number*. From the beginning of our representation, EA expressed great worry that he might get in trouble with ICE for having brought a case against his employer.
- CS, was a client in a claim for unpaid wages. Independent of that case, CS was required to report to court periodically pursuant to a DUII conviction, and was very worried about doing so for fear of arrest by ICE at the court. Although he successfully reported to the court several times to pay his fine, when he went to make his final payment, he was arrested, jailed, and ultimately deported.

For our laws to work, Oregonians – *all* Oregonians – must have access to the mechanisms that enforce them. We know that our immigration system is broken and that there is nothing that Oregon can fix it. But, we can protect the resources of our state from being used in that broken system. We can protect our courts and government agencies from the erosion of trust that comes when they are manipulated for the purposes of immigration enforcement. And, we can protect from rogue actors breaking the promise of Oregon's original sanctuary law, the nation's oldest and part of our state identity for 30 years, by creating a way to enforce the law.

I urge your YES vote on HB 3265.