



March 30, 2021

House Judiciary Committee  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Support of HB 3230 — Universal Representation**

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee,

Thank you for the opportunity to share support for SB 3230 on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon), a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members statewide.

- **Immigrants and refugees are a vital part of Oregon’s families and communities.**

Since the nation’s founding, more than 55 million immigrants and refugees from every continent have settled in the United States. With the exception of Indigenous and First Nations people, everyone living in this country is either an immigrant or refugee or the descendent of voluntary or involuntary immigrants and refugees.

In Oregon, one in ten Oregonians is an immigrant or refugee, while one in nine residents is a U.S. citizen who was born in the U.S. with at least one immigrant or refugee parent.<sup>1</sup> Nearly 90,000 U.S. citizens in Oregon live with at least one family member who is undocumented, and Oregon is home to almost 10,000 Deferred Action for Childhood Arrivals (DACA) recipients.<sup>2</sup> Some estimates project that immigrants and refugees could form nearly a fifth of the population of the Pacific Northwest by 2030.<sup>3</sup>

Immigrants and refugees are a vital part of the workforce in Oregon. One in eight workers in the state is an immigrant or refugee.<sup>4</sup> Immigrants and refugees make up a significant portion of “essential workers”; they represent half of all workers with less than a high school diploma in Oregon and Washington who do frontline jobs in areas such as manufacturing, health care and social assistance, accommodation and food services, the retail trade, agriculture, and construction.<sup>5</sup>

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<sup>1</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>

<sup>2</sup> *Id.*

<sup>3</sup> [https://www.gcir.org/sites/default/files/resources/GCIR\\_Report\\_on\\_OR\\_%26\\_WA\\_webversion\\_0.pdf](https://www.gcir.org/sites/default/files/resources/GCIR_Report_on_OR_%26_WA_webversion_0.pdf)

<sup>4</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>

<sup>5</sup> [https://www.gcir.org/sites/default/files/resources/GCIR\\_Report\\_on\\_OR\\_%26\\_WA\\_webversion\\_0.pdf](https://www.gcir.org/sites/default/files/resources/GCIR_Report_on_OR_%26_WA_webversion_0.pdf)

Immigrants and refugees, including undocumented immigrants and DACA recipients, also contribute significantly to our communities as taxpayers, consumers, and entrepreneurs who create businesses and jobs.<sup>6</sup>

- **It is unjust and unfair for an immigrant to face the federal government and removal proceedings — without legal counsel — when that individual is facing separation from family, loss of livelihood, deportation from home and community, and likely other serious impacts on the individual’s wellbeing and safety.**

When an immigrant is in a removal proceeding process, everything is often on the line: family, livelihood, and home and community.

About fifteen years ago, my offices were a couple blocks away from the federal immigration court. A close friend worked for an organization that helped obtain legal counsel for unaccompanied refugee children, and on many occasions when my friend had not yet found pro bono counsel for a child, she would ask me to walk to the immigration court and represent a child temporarily until she could find more permanent pro bono counsel.

So, on many occasions, I sat in immigration court waiting to appear on behalf of a child and observed many immigrants and refugees face their immigration proceedings with confusion and helplessness. Even as an experienced civil attorney, the terminology and processes of the immigration court were not obvious or clear to me until I learned more about them through treatises, legal education, and immigration court experience. So, for immigrants and refugees, especially individuals for whom English is not a first language, the immigration court processes were certainly byzantine and virtually impossible to navigate.

Whether an immigrant or refugee has legal counsel during immigration proceedings can have serious consequences for an individual’s wellbeing and safety. One young girl I represented had been trafficked from China into the United States by Chinese organized crime, and for her, being deported to China was a matter of life and death. With my legal representation, this young girl was able to obtain T status for victims of trafficking and stay in the United States. Unfortunately, matters of life or death and other serious consequences to wellbeing and safety — these are not unusual experiences for many immigrants and refugees.

About three years ago, under President Trump’s inhumane immigration policies, 121 asylum seekers were detained at the federal prison in Sheridan, Oregon (FDC Sheridan)<sup>7</sup>. The men were crammed in four to a cell for 23 hours per day. As part of the massive community response from Oregonians across the state<sup>8</sup>, the ACLU of Oregon filed an emergency lawsuit to put an immediate end to the federal government’s unconstitutional denial of attorney access to the detained immigrants.<sup>9</sup> In granting a temporary restraining order stopping the federal government from interfering with the men’s right to legal representation, the United States District Court for the District of Oregon stated:

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<sup>6</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>

<sup>7</sup> <https://www.opb.org/news/article/oregon-sheridan-ice-prison-detainees-conditions/>

<sup>8</sup> <https://aclu-or.org/en/news/sheridan-what-happens-when-community-responds>

<sup>9</sup> <https://www.aclu-or.org/en/cases/innovation-law-lab-v-nielsen>

We are a nation under law, and the rule of law is one of our most cherished values. The right to counsel, which allows a person to receive timely legal advice, is firmly entrenched in the concept of due process and protected by the Fifth Amendment against governmental interference. Further, this right is available to everyone in the United States, not just citizens or others who are here lawfully.<sup>10</sup>

As a result of the District Court's order, the men at FDC Sheridan were able to obtain legal counsel including during "credible fear" interviews and other asylum related proceedings. Like many immigrants and refugees, the ability of these men to have legal counsel likely involved serious consequences to their wellbeing and safety, as well as the wellbeing of their families and communities. Indeed, after the ACLU of Oregon's legal challenge, the vast majority of these men were released according to law to live with family, friends, or sponsors while they pursued their asylum claims in immigration court. This incredible result was the product of an unprecedented collaboration between volunteers, advocates, lawyers, and community organizations across Oregon — and, of course, the courageous perseverance of the asylum seekers themselves.

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SB 3230 is about the values that we share as Oregonians — the values of justice, fairness, and due process which are fundamental and should be applied when an individual faces the federal government in a removal process that is likely to result in separation from family, loss of livelihood, deportation from home and community, and serious impacts on the individual's wellbeing and safety.

**The ACLU of Oregon urges your support of SB 3230.**

Thank you,



Sandy Chung  
Executive Director  
ACLU of Oregon

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<sup>10</sup> *Innovation Law Lab and Luis Javier Sanchez Gonzalez by Xochitl Ramos Valencia as next friend v. Kirstjen Nielsen, Secretary, Department of Homeland Security, et al.*, Case 3:18-cv-01098-SI (Opinion and Order Granting Temporary Restraining Order available at [Opinion and Order Granting TRO](#)).