

March 31, 2021

Chair Bynum, Vice-Chairs Noble and Power, and Members
House Committee on Judiciary
900 Court Street NE, Room 453
Salem, OR 97301

Re: Yes on HB 3230

Dear Chairman Bynum and Judiciary Committee Members:

The National Immigration Law Center is writing in support of moving HB 3230, “Universal Representation,” forward. As a response to the draconian and inhumane immigration enforcement practices in place for decades, a universal representation program would be a bold action by the state of Oregon to defend community members who are at risk for deportation.

Established in 1979, NILC is one of the leading organizations in the United States dedicated exclusively to defending and advancing the rights and opportunities of low-income immigrants and their families. We have decades of experience providing technical assistance, training and publications to government agencies, legal services, and non-profit organizations across the country, as well as advancing pro-immigrant policies at the local, state, and national levels.

We were heartened to hear that the city of Portland, Multnomah County, and the State of Oregon already provide some funding through the Equity Corps program to support immigrants. The Equity Corps functions as a critical line of defense for Oregon residents who face permanent separation from their communities. HB 3230 would expand the Equity Corps into a comprehensive support network for immigrants by establishing a statewide call center and embedding attorneys at trusted community-based organizations to provide legal services.

We urge you to support HB 3230 for the following reasons:

Legal Defense for Immigrants Furthers Core Values of Due Process and Justice

In order for the core principles of dignity, fairness, and justice for all to have meaning in the immigration court system, every person in removal proceedings should have an attorney.

As the Supreme Court has acknowledged,¹ the consequences that stem from deportation are often more severe than those that follow a criminal conviction. Immigrants face permanent exile from the country they consider home, and permanent separation from their loved ones, if they lose their immigration case. Some also face persecution, torture, and death in their countries of origin. Dana Leigh Marks, Immigration Judge and President of the National Association of Immigration Judges, referred to some cases in removal proceedings as “death penalty cases heard in traffic court settings,” because of the speedy court process and the consequences at stake.²

In addition to carrying severe consequences, removal proceedings are challenging because of structural barriers. Immigration law has often been compared to the tax code in its complexity. Yet there are fewer procedural protections than in criminal trials, even beyond the absence of appointed counsel. In a removal proceeding, the government has a trained prosecutor in every case representing its interests, while the indigent immigrant does not. An immigration system that pits unrepresented, often non-English speaking immigrants against trained prosecutors is unfair, particularly when winning a case is based less on the merits of the case than on the immigrant’s ability to pay for an attorney.

By ensuring that immigrants have skilled attorneys by their side to assess the merits of their cases, make legal arguments, gather supporting documents, and identify witnesses and experts, a universal representation program safeguards due process and fairness in the deportation system.

Having an attorney represent an indigent immigrant can mean the difference between being able to stay in the country and obtain legal immigration status, and being deported and torn from friends, family, community, and the life that has been built here.

Oregon Must Fortify its Commitment to Immigrant Communities

State governments play a key role in protecting their immigrant residents as the federal government continues to engage in cruel immigration enforcement. We have a new President, but ICE and our harmful deportation system are still here. Deportations will continue to happen, and community members who are already facing deportation need representation now.

Supporting HB 3230 is one way to support immigrant communities and momentum for these programs is building across the country. New Jersey approved \$6.2 million in a statewide program for fiscal year 2021 (doubling their 2019 commitment) and California is currently investing \$65 for immigration legal services, including deportation defense for both detained and non-detained immigrants. New York’s Liberty Defense Project provided \$11.5 million in 2019 and \$10 million in 2020 for direct representation in deportation hearings and other cases.

¹ Padilla v. Kentucky, 559 U.S. 356, 368 (2010).

² Dana Leigh Marks, “Immigration judge: Death penalty cases in a traffic court setting,” CNN Opinion, Jun. 26, 2014, <http://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

Oregon should stand by the many immigrants that call Oregon home and do everything in its power to ensure immigrants are provided information and services by trusted community agencies. HB 3230 will keep loved ones together, employees working, and communities whole. It would also bring us closer to the vision that everyone, no matter their background, should have an opportunity to secure immigration relief under our laws.

For these reasons we urge you to support the Universal Representation Bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shiu-Ming Cheer', with a stylized, flowing script.

Shiu-Ming Cheer
Director of Movement Building & Strategic Partnerships