



March 31, 2021

My name is Stephen W Manning. I am an attorney in Oregon and the Executive Director of Innovation Law Lab, a nonprofit based in Oregon that leverages law, technology and organizing to advance immigrant and refugee rights. I write to express support for HB3230. Universal Representation is needed in Oregon because our collective prosperity depends on it.<sup>1</sup>

I support HB3230 for at least four reasons.

- Universal Representation will contribute to our collective prosperity. Powerful empirical evidence shows that immigrant and refugee inclusive practices, such as Universal Representation, raise the level of collective prosperity. These benefits are particularly strong in Oregon, where immigrants and refugees are an integral part of the state's social fabric, history, and economy.
- Universal Representation supports family stability, education, housing and health.
- Universal Representation is a community-driven approach to delivering legal services to immigrants and refugees modeled after the successful Equity Corps of Oregon pilot and Oregon Worker Relief system.
- Universal Representation is part of the work that Oregon needs to do in order to foster an overall inclusive vision and move away from its anti-Black and anti-immigrant history. From its inception as a state, Oregon has struggled with exclusionary policies against Black people, immigrants and communities of color.

#### **A. Universal Representation fosters our collective prosperity.**

There is powerful empirical evidence demonstrating that immigrant-inclusive practices, like Universal Representation, not only improve community safety and the rule of law but also enhance civic engagement and raise the level of collective prosperity. Research shows that immigrant-inclusive policies correspond with a higher level of economic well-being.<sup>2</sup> A recent study of 2,500 US counties found that immigrant-inclusive counties have higher median household incomes, higher labor force participation, lower poverty rates, and lower unemployment than their counterparts.<sup>3</sup> Inclusive policies are also proven to enhance health and wellbeing at the community level.

The benefits of inclusive policies are particularly strong in Oregon, where immigrants are deeply integrated into state and local communities. 10% of Oregon residents – nearly 400,000 Oregonians

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<sup>1</sup> My testimony is drawn in large part from Innovation Law Lab's report, *Defending Everyone: How Innovative Universal Representation Invests in Our Collective Prosperity* The report is available at: <https://innovationlawlab.org/media/Defending-Everyone-1.pdf> (May 2020) and attached.

<sup>2</sup> Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy*, Center for American Progress, 6 (Jan. 2017).

<sup>3</sup> *Id.* at 7-10

– are immigrants.<sup>4</sup> One in eight Oregon residents is a US citizen with at least one immigrant parent, and one in twelve Oregon children is a US citizen with at least one undocumented parent.<sup>5</sup>

In addition to their significant contributions to community vibrancy and social cohesion, immigrants drive Oregon’s economy, comprising nearly 13% of the state’s workforce.<sup>6</sup> In 2014, Oregon residents in immigrant-led households contributed nearly \$737 million in state and local taxes and wielded \$7.4 billion in consumer spending power.<sup>7</sup> Undocumented immigrants are an important component of these trends, constituting nearly 5% of Oregon’s workforce and contributing roughly \$81 million in state and local taxes in 2014.<sup>8</sup> Inclusive policies that protect immigrants thus further the welfare of all Oregonians, regardless of immigration status.

Universal Representation is important to counteract the environment of fear and mistrust. The former Trump administration has actively sought to instill fear in communities of color by deploying arrest and deportation practices at critical community service sites such as hospitals, schools, and church homeless shelters.<sup>9</sup> Immigration agents have arrested parents while their infant was hospitalized, removed a woman with a brain tumor from a hospital to a detention facility, and detained a ten-year-old with cerebral palsy after her emergency surgery.<sup>10</sup> Sowing fear in every aspect of immigrants’ lives, these destructive policies negatively impact the prosperity and cohesion of the local communities to which immigrants contribute.<sup>11</sup>

In Oregon, the federal government’s inhumane deportation policies caused immense harm. Following immigration raids in Woodburn, many residents stopped seeking medical services and are afraid to send their children to school.<sup>12</sup> Oregon’s economy has been impacted: fear of immigration raids has caused local businesses to suffer, and severe labor shortages in the agricultural sector have been linked to the impact of federal immigration policies.<sup>13</sup> And despite the state’s recent expansion of health coverage to undocumented children, fewer immigrant

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<sup>4</sup> American Immigration Council, *Immigrants in Oregon* (2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> John Burnett, *Border Patrol Arrests Parents While Infant Awaits Serious Operation*, National Public Radio (Sep. 20, 2017), <https://www.npr.org/2017/09/20/552339976/border-patrol-arrests-parents-while-infant-awaits-serious-operation>.

<sup>10</sup> *Id.*; John Burnett, *Lawyers Sue To Demand Release Of Undocumented Child With Cerebral Palsy*, National Public Radio (Nov. 1, 2017), <https://www.npr.org/2017/11/01/561298423/lawyers-for-10-year-old-unauthorized-immigrant-sue-for-her-release>.

<sup>11</sup> See Elizabeth Aranda & Elizabeth Vaquera, *Racism, the Immigration Enforcement Regime and the Implications for Racial Inequality in the Lives of Undocumented Young Adults*, *Sociology of Race and Ethnicity* 1(1), 88–104 (2015).

<sup>12</sup> Casey Parks, ‘Everyone is affected.’ *Immigration raids turn Oregon city into ghost town*, *The Oregonian* (Apr. 12, 2017), [https://www.oregonlive.com/pacific-northwest-news/index.ssf/2017/04/woodburn\\_taught\\_latinos\\_to\\_dre.html](https://www.oregonlive.com/pacific-northwest-news/index.ssf/2017/04/woodburn_taught_latinos_to_dre.html).

<sup>13</sup> <https://immigrantjustice.org/staff/blog/ice-released-its-most-comprehensive-immigration-detention-data-yet>.

<sup>13</sup> Kristine Phillips, *White supremacist charged with mowing down and killing black teen because of race*, *The Washington Post* (Sep. 14, 2016), [https://www.washingtonpost.com/news/post-nation/wp/2016/09/14/white-supremacist-accused-of-running-over-killing-black-teen-faces-new-hate-crime-charge/?noredirect=on&utm\\_term=.611b79f3dcc3](https://www.washingtonpost.com/news/post-nation/wp/2016/09/14/white-supremacist-accused-of-running-over-killing-black-teen-faces-new-hate-crime-charge/?noredirect=on&utm_term=.611b79f3dcc3); One Oregon, *IP 22 Will Harm Oregon Families, Communities & Economy*, Fact Sheet (Dec. 2017), <http://uusalem.org/wp-content/uploads/2017/12/IP22-Fact-Sheet-1.pdf>.

families – regardless of legal status – are using medical facilities out of fear of deportation.<sup>14</sup> These developments are consistent with recent research concluding that “Hispanic citizens respond to recent immigration enforcement by reducing their safety net participation, likely due to fear of revealing non-citizens in their networks . . . [and] with potentially adverse long-term consequences for the health and well-being of Hispanic families.”<sup>15</sup>

Universal Representation seeks to end unjust and unfair deportations and immigrant exclusions that harm Oregon’s immigrant and refugee communities so that everyone can contribute to our collective prosperity.

### **B. Universal Representation supports family stability, education, housing and health.**

When immigrant Oregonians are unjustly deported, our entire state suffers. When a family’s breadwinner is deported, family members face housing and food insecurity.<sup>16</sup> Children must cope with the incredible trauma of family separation and its long-lasting psychological impacts. Children’s school attendance and performance are also negatively affected, increasing their likelihood of dropping out and earning significantly less as adults.<sup>17</sup>

For individuals facing deportation, legal representation in immigration court is often the most outcome-determinative factor in the success of their case. Without representation, a person in removal proceedings is 5.5x more likely to lose her case and be ordered removed from the United States, regardless of the merits of her case.

Universal Representation increases family stability and facilitates access to education, housing, and health. Families in which a parent is at risk of deportation suffer greater food and housing instability, are less likely to access pre-school and other development-promoting activities, make fewer visits to healthcare providers, and are more likely to live in poverty.<sup>18</sup> Preventing deportations and providing access to legal counsel thus improves not only immigration case

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<sup>14</sup> ‘Cover All Kids’ worth praising, *The Times, Portland Tribune* (Aug. 10, 2017), <https://portlandtribune.com/ttt/90-opinion/368830-251132-cover-all-kids-worth-praising> (noting that Washington County’s Virginia Garcia Memorial Health Center reported that “walk-in visits are down, more immigrants are missing appointments, fewer immigrant students are using school-based health centers, and fewer older immigrants are sending their English-speaking kids to act as interpreters.”).

<sup>15</sup> Marcela Alsan & Crystal Yang, *Fear and the Safety Net: Evidence from Secure Communities*, National Bureau of Economic Research Working Paper 24731 at 5 (Jun. 2018), <http://www.nber.org/papers/w24731>.

<sup>16</sup> See Heather Koball et al., Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Parents, *Urban Institute and Migration Policy Institute* 5-9 (Sept. 2015), <https://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents>; Luis H. Zayas et al., The Distress of Citizen-Children with Detained and Deported Parents, 24(11) *J. Child Fam Stud.* 3213 (Nov. 2015), author manuscript at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667>.

<sup>17</sup> See Koball et al. at 11; Alice Hu et al., Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families, *Human Impact Partners* 16-17 (2013), <https://www.issuelab.org/resource/family-unity-family-health-how-family-focused-immigration-reform-will-mean-better-health-for-children-and-families.html>.

<sup>18</sup> See Luis H. Zayas & Laurie Heffron, Disrupting young lives: How detention and deportation affect US-born children of immigrants, *American Psychological Association* (Nov. 2016), <https://www.apa.org/pi/families/resources/newsletter/2016/11/detention-deportation>

outcomes, but also overall family stability, which then minimizes the impact on social services infrastructure at the state and local level.

### **C. Universal Representation is built on a successful community-driven model**

Universal Representation is an integrated, statewide universal navigation and representation system. It builds on the successful Equity Corp of Oregon pilot and the Oregon Worker Relief system's statewide navigation and community-based service delivery system. The successes of the ECO pilot project, among others, are these:

- Max, a 15-year-old boy, fled gang violence and extortion in El Salvador. Due to constant intimidation from the gangs, Max was forced out of elementary school, barely having learned to read or write. His father abandoned him when he was one year old and his mother left El Salvador when he was just eight, leaving him to live with his aunt. Danger from the gangs forced Max to flee El Salvador. Without a Universal Representation system, Max, who is just a child, would be forced to defend himself against the deportation process entirely alone.<sup>19</sup>
- Jena, a long-term permanent resident of Oregon, has lived in the United States since age three. As a child, she suffered severe abuse, and she had struggled with substance abuse as a result. Despite the fact that she was in recovery, ICE instituted deportation proceedings against her. Through the ECO pilot, Jena won her case and will remain united with her family.
- During the pilot (which is still ongoing), 1109 people were navigated for services, of whom 93% were successfully enrolled. These Oregonians speak 21 diverse languages, and 19% identify as indigenous or rare language speakers. The pilot also serves 110 unaccompanied children.

Universal Representation represents a successful innovation and expansion of the Oregon Worker Relief program's community-based service delivery system. Using a community-driven approach, Oregon Worker Relief has successfully scaled a \$300,000 private donation into more than \$100,000,000 in pandemic aid delivered to traditionally hard-to-reach populations across nearly every county in the state.

Universal Representation is built on the community principles of universality, integration, prioritization, and accountability. Using human-centered design thinking, it is intended to serve at scale across the state of Oregon in partnership with community-based organizations, the Oregon law schools, and the Oregon State Bar's Legal Services Program.

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<sup>19</sup> Personally identifiable information changed to protect confidential and privacy.

#### **D. Universal Representation is part of Oregon’s necessary long-term work to build inclusion**

Oregon is the only state in the United States that began as explicitly “whites only.”<sup>20</sup> In 1844, the territory of Oregon passed the infamous “Lash Law,” ordering all blacks in Oregon to be whipped twice a year until they left the territory.<sup>21</sup> When Oregon became a state in 1859, its constitution banned all blacks and “mulattos” of mixed ethnic heritage from living in the state.<sup>22</sup>

After the Civil War, the Thirteenth, Fourteenth, and Fifteenth Amendments to the US Constitution superseded Oregon’s anti-black laws. However, Oregon itself did not finish ratifying these amendments until nearly a century later: the Fifteenth Amendment, giving blacks the right to vote, was not ratified by Oregon until 1959, and the Fourteenth Amendment, including the Equal Protection Clause, was permanently ratified by Oregon only in 1973.<sup>23</sup>

Racial discrimination in Oregon continued in the 1920s as Oregon embraced the rise of the Ku Klux Klan. The state had the largest Klan organization west of the Mississippi River and the highest per capita Klan membership in the country.<sup>24</sup> Democratic governor Walter M. Pierce was elected in 1922 with vocal support from the Klan, and many of Portland’s law enforcement and city leaders publicly affiliated themselves with the Klan.<sup>25</sup> By 1923, there were 35,000 members of the Oregon Klan in over sixty local entities.<sup>26</sup>

Throughout the 1920s, the eugenics movement also flourished in Oregon, resulting in severe discrimination and even sterilization of disabled and incarcerated citizens.<sup>27</sup>

Oregon’s history of racial exclusion includes immigrant communities. One of the most brutal attacks against early Chinese immigrants occurred in Oregon in 1887, when over thirty Chinese

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<sup>20</sup> DeNeen L. Brown, *When Portland banned blacks: Oregon’s shameful history as an ‘all-white’ state*, The Washington Post (Jun. 7, 2017), [https://www.washingtonpost.com/news/retropolis/wp/2017/06/07/when-portland-banned-blacks-oregons-shameful-history-as-an-all-white-state/?noredirect=on&utm\\_term=.a443bfb91cbd](https://www.washingtonpost.com/news/retropolis/wp/2017/06/07/when-portland-banned-blacks-oregons-shameful-history-as-an-all-white-state/?noredirect=on&utm_term=.a443bfb91cbd).

<sup>21</sup> *Oregon Racial Laws and Events 1844–1959*, Oregon Department of Education, <https://www.ode.state.or.us/opportunities/grants/saelp/orraciallaws.pdf>.

<sup>22</sup> DeNeen L. Brown, *When Portland banned blacks: Oregon’s shameful history as an ‘all-white’ state*, The Washington Post (Jun. 7, 2017), [https://www.washingtonpost.com/news/retropolis/wp/2017/06/07/when-portland-banned-blacks-oregons-shameful-history-as-an-all-white-state/?noredirect=on&utm\\_term=.a443bfb91cbd](https://www.washingtonpost.com/news/retropolis/wp/2017/06/07/when-portland-banned-blacks-oregons-shameful-history-as-an-all-white-state/?noredirect=on&utm_term=.a443bfb91cbd).

According to the original state Constitution: “No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein.” *Id.*

<sup>23</sup> Alana Semuels, *The Racist History of Portland, the Whitest City in America*, The Atlantic (Jul. 22, 2016), <https://www.theatlantic.com/business/archive/2016/07/racist-history-portland/492035/>.

<sup>24</sup> *Id.*; Brown, *supra*.

<sup>25</sup> Alana Semuels, *The Racist History of Portland, the Whitest City in America*, The Atlantic (Jul. 22, 2016), <https://www.theatlantic.com/business/archive/2016/07/racist-history-portland/492035/>.

<sup>26</sup> *Ku Klux Klan*, The Oregon Encyclopedia, Oregon Historical Society, Mar. 17, 2018, [https://oregonencyclopedia.org/articles/ku\\_klux\\_klan/#.WxVk9qkh001](https://oregonencyclopedia.org/articles/ku_klux_klan/#.WxVk9qkh001).

<sup>27</sup> *Id.*

goldminers were ambushed and murdered along the Snake River.<sup>28</sup> Discriminatory laws in the late 1800s also encompassed Chinese and Hawaiian immigrants. An 1862 law required Chinese and Hawaiian immigrants and black residents to pay an annual tax to the state; if they could not pay, they could be pressed into service maintaining state roads.<sup>29</sup> State laws passed in the 1860s also forbid white residents from marrying black, Chinese, or Hawaiian residents.<sup>30</sup>

Discriminatory treatment extended to Japanese immigrants in the early 1900s. In 1923, the Oregon state legislature passed restrictive laws barring Japanese immigrants from owning land.<sup>31</sup> During World War II, Oregon actively facilitated the “relocation” of Japanese-Americans in Oregon to internment camps on the west coast.<sup>32</sup> Subsequently, many Oregonians protested strongly against the return of Japanese residents and businesses placed anti-Japanese placards in their front windows.<sup>33</sup>

Racism in the midcentury period frequently targeted Oregon’s Latino community:

- During the 1920s and 1930s, Oregon removed Mexican immigrants from the region through “economic rationalization, nativist rhetoric, and coercion,” including hiring policies of “white workers only,” regardless of immigration status.<sup>34</sup>
- When World War II sent many young men to fight overseas in the 1940s, the Oregon state government welcomed Mexican farmworkers through the *bracero* program.<sup>35</sup> Yet these immigrants faced racism and even violent attacks, particularly following soldiers’ return.<sup>36</sup>
- In the 1950s, many of Oregon’s local communities were disrupted by Operation Wetback, a federal military operation that deported one million undocumented Mexicans across the country.<sup>37</sup>

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<sup>28</sup> Greg Nokes, *Chinese Massacre at Deep Creek*, The Oregon Encyclopedia, Oregon Historical Society, (Jun. 1, 2018), [https://oregonencyclopedia.org/articles/chinese\\_massacre\\_at\\_deep\\_creek/#.Wxfy26kh001](https://oregonencyclopedia.org/articles/chinese_massacre_at_deep_creek/#.Wxfy26kh001).

<sup>29</sup> *Oregon Racial Laws and Events, 1844–1959*, Oregon Department of Education, <https://www.ode.state.or.us/opportunities/grants/saelp/orraciallaws.pdf>.

<sup>30</sup> *Id.*

<sup>31</sup> *Oregon and the Roaring Twenties*, Oregon Secretary of State <http://sos.oregon.gov/archives/exhibits/ww1/Pages/oregon-roaring-twenties.aspx>.

<sup>32</sup> *Japanese American Wartime Incarceration in Oregon*, The Oregon Encyclopedia, Oregon Historical Society, Mar. 17, 2018, [https://oregonencyclopedia.org/articles/japanese\\_internment/#.Wxf6hakh2LK](https://oregonencyclopedia.org/articles/japanese_internment/#.Wxf6hakh2LK).

<sup>33</sup> *Id.*

<sup>34</sup> Jerry Garcia, *Latinos in Oregon*, The Oregon Encyclopedia, Oregon Historical Society (Mar. 17, 2018), [https://oregonencyclopedia.org/articles/hispanics\\_in\\_oregon/#.Wxf7kakh2LJ](https://oregonencyclopedia.org/articles/hispanics_in_oregon/#.Wxf7kakh2LJ).

<sup>35</sup> Jerry Garcia, *Bracero Program*, The Oregon Encyclopedia, Oregon Historical Society (Mar. 17, 2018), [https://oregonencyclopedia.org/articles/bracero\\_program/#.Wxf9d6kh2LJ](https://oregonencyclopedia.org/articles/bracero_program/#.Wxf9d6kh2LJ).; conversation with Rocky Barilla (Jun. 20, 2018).

<sup>36</sup> <sup>36</sup> Jerry Garcia, *Latinos in Oregon*, The Oregon Encyclopedia, Oregon Historical Society (Mar. 17, 2018), [https://oregonencyclopedia.org/articles/hispanics\\_in\\_oregon/#.Wxf7kakh2LJ](https://oregonencyclopedia.org/articles/hispanics_in_oregon/#.Wxf7kakh2LJ).; conversation with Rocky Barilla (Jun. 20, 2018).

<sup>37</sup> <sup>37</sup> Jerry Garcia, *Latinos in Oregon*, The Oregon Encyclopedia, Oregon Historical Society (Mar. 17, 2018), [https://oregonencyclopedia.org/articles/hispanics\\_in\\_oregon/#.Wxf7kakh2LJ](https://oregonencyclopedia.org/articles/hispanics_in_oregon/#.Wxf7kakh2LJ).

By the 1970s, arrests and deportations of immigrants had risen sharply both nationally and in Oregon.<sup>38</sup> Local Oregon police were routinely engaging in racial profiling and discriminatory arrests of Latinos in the name of supporting federal immigration efforts.<sup>39</sup>

It is well documented that illegal use of immigration enforcement power reifies racial and cultural exclusion and divides communities. For decades, US immigration policy was overtly based on racial exclusion, using explicitly race-based categories to restrict immigration from non-white countries.<sup>40</sup> The Immigration and Nationality Act, passed in 1952 and amended in 1965, abolished national origin quotas and included a non-discrimination clause.<sup>41</sup> Although immigration laws are now framed in race-neutral language, they continue to reflect foundations of racial prejudice and have a disparate impact on certain racial groups, acting to “dehumanize, demonize, and criminalize immigrants of color.”<sup>42</sup>

Systemically, these laws also interact with racial and cultural bias by functioning as “a system of social categorization” that is strongly connected to the “basic human tendency to classify people into ingroups and outgroups, ‘we’s’ and ‘theys.’”<sup>43</sup> Immigration policies thus have the potential to be used in a discriminatory manner. On a local level, unlawful immigration policing “tends to invoke racial and ethnic characteristics in ways that create ‘suspect communities’ [and lead to] restrictions on the enjoyment of fundamental rights and freedoms.”<sup>44</sup>

#### **E. Universal Representation fosters our collective well-being.**

Universal Representation is critical and will do much to affirm that all who contribute to Oregon’s collective prosperity belong. I support this universal vision for Oregon’s immigrant and refugee communities.

Sincerely,  
INNOVATION LAW LAB

  
STEPHEN W MANNING

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<sup>38</sup> Larry Kleinman, *Resisting La Migra*, 31–33, 42 (Feb. 1, 2013 draft), <http://www.pcun.org/2009/10/larry-kleinman-s-writings/>.

<sup>39</sup> *Id.*

<sup>40</sup> Enid Trucios-Gaynes, *The Legacy of Racially Restrictive Immigration Laws and Policies and the Construction of the American National Identity*, 76 Or. L. Rev. 369 at 8–9 (1997); Kevin R. Johnson, *Race, the Immigration Laws, and Domestic Race Relations: A “Magic Mirror” into the Heart of Darkness*, 73 Ind. L.J. 1111, 1119–1120 (1998).

<sup>41</sup> *Id.*; INA § 202(a)(1)(A).

<sup>42</sup> Bill Ong Hing, *Institutional Racism, ICE Raids, and Immigration Reform*, 44 U.S.F. L. Rev. 307, 309 (2009); see also Eli J. Kay-Oliphant, *Considering Race in American Immigration Jurisprudence*, 54 Emory L.J. 681, 702 (2005); Karen Manges Douglas, Rogelio Sáenz, and Aurelia Lorena Murga, *Immigration in the Era of Color-Blind Racism*, *Am. Behavioral Scientist* 59(11), 1429–51, 1430 (2015); Elizabeth Aranda and Elizabeth Vaquera, *Racism, the Immigration Enforcement Regime and the Implications for Racial Inequality in the Lives of Undocumented Young Adults*, *Sociology of Race and Ethnicity* 1(1), 88–104 (2015).

<sup>43</sup> Emily Ryo, *On Normative Effects of Immigration Law*, 13 *Stan. J. Civ. Rts. & Civ. Liberties* 95, 125 (Feb. 2017).

<sup>44</sup> Ben Bowling & Sophie Wastenra, Chapter 4: Racism Immigration and Policing, *Race Criminal Justice, and Migration Control*, eds. Mary Bosworth, Alpa Parmar, & Yolanda Vázquez, Oxford University Press (2017).



# DEFENDING EVERYONE

*How Innovative Universal Representation  
Invests in Our Collective Prosperity*

Tess Hellgren, Kelsey Provo, Ramon Valdez,  
Jordan Cunnings, & Stephen W. Manning

**Innovation Law Lab**  
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## **Defending Everyone: How Innovative Universal Representation Invests in Our Collective Prosperity**

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# Introduction

In early 2017, a group of community organizers, activists, community-based organizations, and legal service providers gathered to brainstorm ways to protect Oregonians at risk of unlawful and unjust deportation as the anti-immigrant platform of the new Trump Administration took shape. Oregon government—at the local and state level—stepped up. And, a year and a half later, Equity Corps of Oregon (ECO) was born: an innovative universal representation program that provides holistic legal defense services for Oregonians in immigration proceedings. In its first eighteen months, ECO has successfully prevented the deportations of 1,096 Oregonians.

By providing zealous immigration representation for every qualifying Oregonian, ECO aims to prevent unlawful and unjust deportations by ensuring that every single individual in immigration proceedings has the equal ability to succeed. Its impact on our communities and the state of Oregon is greater than just a series of legal wins. By reducing family separation, deportation, and detention based on race and ethnicity, ECO promotes the equitable treatment of Oregon's immigrant communities of color and advances the collective prosperity of all Oregonians.

Now, more than ever, ECO's role is crucial to building and preserving permanent pathways to immigrant inclusion in Oregon. A 2018 survey by the Oregon Law Foundation found that immigration issues were the “most harmful” legal problem for low-income Oregonians.<sup>1</sup> And in the past year and a half, the current Administration has only intensified its attacks on Oregon's immigrant residents and communities of color. Many of these attacks have been implemented through the immigration court system.

Today, Oregonians in immigration court face a system that suffers from systemic dysfunction and politicization. Under the Trump Administration, the executive branch has sought to turn the immigration court system into a deportation tool to further its anti-immigrant, deportationist agenda.

In this context, Oregon has not left its communities unprotected. Thanks to ongoing public support, ECO continues to provide essential protection to Oregonians who are most at risk of deportation. Eighteen months after the program's launch, the need for ECO's unique provision of deportation defense services is stronger than ever.

[1] Oregon Law Foundation *et al.*, *Barriers to Justice: A 2018 Study Measuring the Civil Needs of Low-Income Oregonians* (Feb. 2019), <https://olf.osbar.org/files/2019/02/Barriers-to-Justice-2018-OR-Civil-Legal-Needs-Study.pdf>.



## The Origins of Equity Corps of Oregon

From its inception, ECO was designed as a universal representation model that would further immigrant inclusion and serve as a long-term investment in Oregon's collective prosperity. A wide-ranging coalition of advocacy organizations, legal service providers, and community leaders recognized that the lack of legal representation in immigration proceedings was leading to unjust deportations, tearing apart families and communities, and harming the fabric of our state. To change this dynamic, as outlined in the April 2018 report *Defend Everyone*, ECO was designed to be "a scalable, data-driven, innovative model for holistically delivering immigrant defense services in a manner that creates permanent pathway[s] to immigrant inclusion."<sup>2</sup>

### *Immigrants and Oregon's Collective Prosperity*

It is undeniable that immigrants play an essential part in Oregon's collective prosperity. One of ten Oregon residents is an immigrant – more than 400,000 Oregonians in total.<sup>3</sup> Immigrants are a crucial part of every aspect of our state, making our families, communities, economy, and society stronger. Nearly a quarter of Oregon's U.S.-citizen children have at least one parent who is an immigrant.<sup>4</sup> Immigrants also contribute immensely to Oregon's economic health: 68% of immigrant Oregonians are civilian workers, comprising over 13% of Oregon's civilian labor force.<sup>5</sup>

[2] Stephen W. Manning et al., *Defend Everyone: Creating the Equity Corps of Oregon to Provide Universal Representation* (Apr. 2018), [https://innovationlawlab.org/reports/Defend\\_Everyone\\_Report.pdf](https://innovationlawlab.org/reports/Defend_Everyone_Report.pdf).

[3] Migration Policy Institute (MPI), *State Immigration Data Profiles: Oregon – Demographics and Social* (2018 data), <https://www.migrationpolicy.org/data/state-profiles/state/demographics/OR> (accessed May 6, 2020).

[4] *Id.*

[5] MPI, *State Immigration Data Profiles: Oregon – Workforce* (2018 data), <https://www.migrationpolicy.org/data/state-profiles/state/workforce/OR> (accessed May 6, 2020).

When immigrant Oregonians are unjustly deported, our entire state suffers. If a family's breadwinner is deported, family members face housing and food insecurity.<sup>6</sup> Children must cope with the incredible trauma of family separation, with long-lasting psychological impacts. Children's school attendance and performance are also negatively affected, increasing their likelihood of dropping out and earning significantly less as adults.<sup>7</sup> At the same time, Oregon's economy is harmed, as unlawful deportations reduce the many contributions of immigrant residents. In 2014, immigrant-led households in Oregon paid \$1.7 billion in federal taxes and \$736.6 million in state and local taxes – and wielded \$7.4 billion of spending power in after-tax income.<sup>8</sup> And in 2015, over 28,500 immigrant business owners in Oregon generated \$470.6 million in business income.<sup>9</sup>

## ***The Need for Legal Representation***

For individuals facing deportation, legal representation in immigration court is often the most outcome-determinative factor in the success of their case. Without representation, a person in removal proceedings is 5.5x more likely to lose her case and be ordered removed from the United States, regardless of the merits of her case.<sup>10</sup>

The right to legal representation in criminal proceedings is enshrined in the Sixth Amendment of the U.S. Constitution. Yet despite the extreme complexity and often life-or-death consequences of immigration cases, there is no similar guarantee of government-appointed counsel in immigration proceedings.<sup>11</sup> Immigrants in removal proceedings must thus find their own representation or be forced to proceed *pro se*, without an attorney. Moving forward in this complex judicial process without legal representation often leads to unjust deportations that tear apart families and communities.

[6] See Heather Koball *et al.*, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Parents*, Urban Institute and Migration Policy Institute 5-9 (Sept. 2015), <https://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents>; Luis H. Zayas *et al.*, *The Distress of Citizen-Children with Detained and Deported Parents*, 24(11) *J. Child Fam Stud.* 3213 (Nov. 2015), author manuscript at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667>.

[7] See Koball *et al.* at 11; Alice Hu *et al.*, *Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families*, Human Impact Partners 16-17 (2013), <https://www.issuelab.org/resource/family-unity-family-health-how-family-focused-immigration-reform-will-mean-better-health-for-children-and-families.html>.

[8] American Immigration Council, *Immigrants in Oregon*, Fact Sheet (Sept. 15, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>.

[9] *Id.*

[10] Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 *U. Pa. L. Rev.* 1, 9 (2015).

[11] The Immigration and Nationality Act guarantees immigrants the right to legal representation in immigration court, but only at no cost to the government. 8 U.S.C. § 1229a(b)(4)(A).

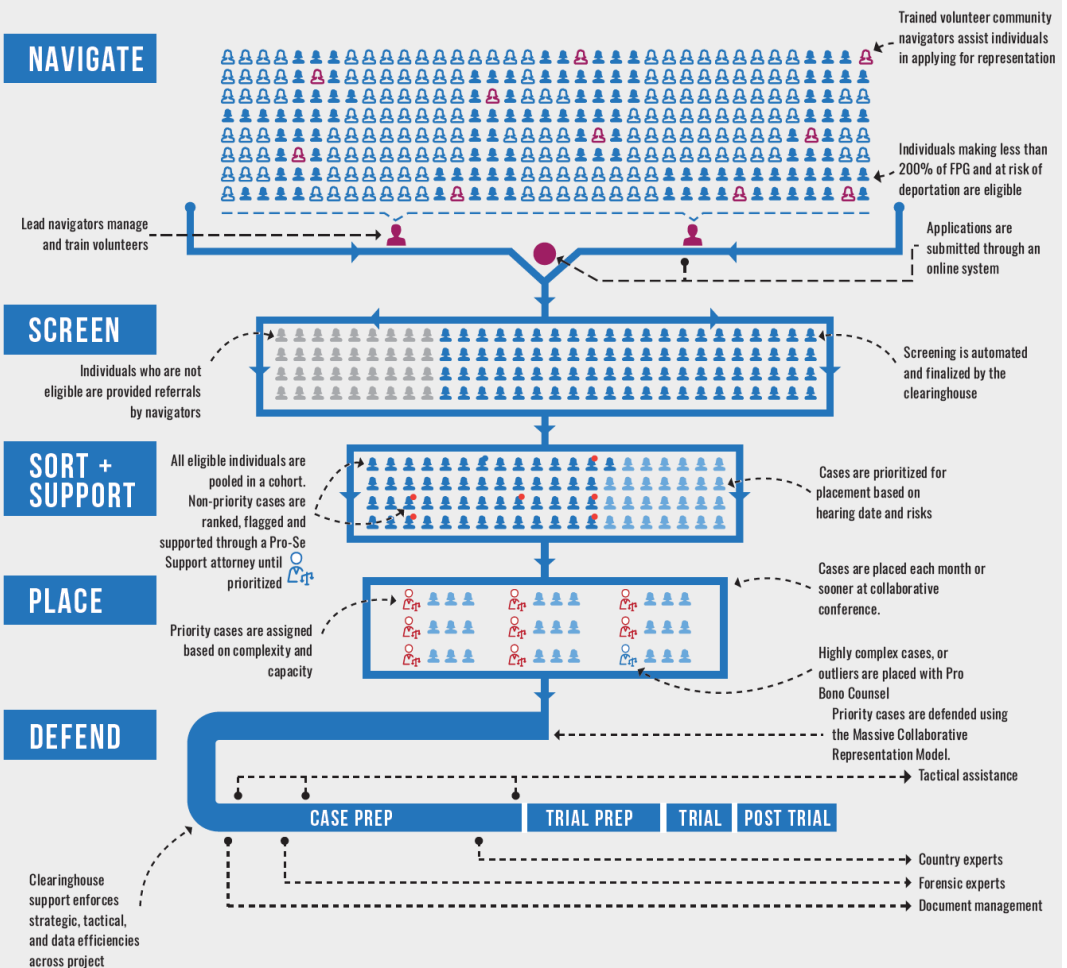
In Oregon, there are many diligent and dedicated nonprofit immigration legal service providers – yet prior to ECO, these legal service providers did not provide free legal representation before the Portland Immigration Court. The demand for free legal representation in Oregon has thus far exceeded capacity. As a result, many Oregon residents who cannot afford a private attorney have been forced to proceed with their immigration trials *pro se*: before ECO was founded, nearly 1,400 Oregonians were facing their deportation proceedings alone.<sup>12</sup> In too many of these cases, Oregonians with a lawful right to remain in the United States were being deported due to procedural obstacles or their lack of understanding of federal immigration law.

## Defending Due Process

ECO represents two long-term Lawful Permanent Residents who suffer from serious mental health conditions. Despite the severity of their mental illnesses, ICE is trying to deport them to countries where they will lack family support and access to the mental health treatment they desperately need. The ECO Clearinghouse placed these cases with ECO attorneys at the outset of the cases due to the sensitive and serious health issues involved. Incredibly, even individuals who suffer from severe mental illness or disabilities are required to represent themselves in immigration court if they cannot afford an attorney. ECO attorneys will act as an important safeguard for these clients' due process and statutory rights in immigration court throughout the duration of their cases, helping them to remain in the United States where they otherwise would have had to proceed with their cases alone.

# The ECO Model

ECO was created to change this dynamic. By building an innovative collaborative of nonprofit organizations, ECO works to empower immigrant Oregonians and change case outcomes by providing free, quality legal defense to every income-eligible immigrant who is at risk of deportation. ECO's Massive Collaborative Representation model ensures high-quality legal representation and uses innovative technology to scale its services. Ultimately, ECO is designed to create a counter-structure that supports positive rule of law norms for all Oregonians in immigration court proceedings.



ECO identifies participants through a comprehensive navigation and screening process. First, publicly-funded and volunteer Community Navigators engage in outreach to the Oregon immigrant community and conduct interviews with immigrants who may be eligible for ECO. Navigators then submit an online referral to the ECO Clearinghouse. The Clearinghouse, run by Innovation Law Lab, screens each referral for program eligibility and prioritizes cases for services based upon need, case posture, and upcoming deadlines. ECO-eligible individuals are then assigned to one of ECO's six legal service providers for limited legal services or direct legal representation, depending on the posture of their case.

## **Navigate → Screen → Sort → Support → Place → Defend**

### ***Navigate***

Individuals can enter into ECO by contacting one of ECO's Community Navigators. Community Navigators are nonprofit staff members or community volunteers who have been specially trained to conduct free, confidential, and secure referrals to the ECO Clearinghouse. Community Navigators are housed at community-based organizations throughout the state and navigations are conducted using an online application tool which feeds cases directly into the ECO Clearinghouse. Community Navigators engage in community education, engagement, and build community trust in the ECO program. This centralized referral system not only improves access to ECO, but also increases efficiency and reduces client trauma by eliminating the need for a potential ECO participant to seek services from multiple providers.

### ***Screen***

Referred cases are screened for program eligibility by the ECO Clearinghouse, run by Innovation Law Lab. To be eligible for ECO, individuals must live in Oregon, be in removal proceedings, and have a household income under 200% of the federal poverty guidelines. Individuals who meet these criteria will have their case placed with one of ECO's six legal service providers for legal services.

## ***Sort***

Once an individual is determined to be ECO-eligible, Innovation Law Lab attorneys review the navigation to determine the optimal short- and long-term pathways to lawful legal status. Attorneys then assign the case to one of ECO's six legal service providers. Cases are sorted and prioritized based on case posture and upcoming deadlines.

## ***Support***

For those individuals who do not yet have their final hearing scheduled, cases are handled collaboratively, meaning that services can be provided by any ECO attorney or legal service provider in the ECO collective. Legal support at this stage is provided on a limited legal services basis. The legal services provided at this stage include orientation to ECO; relief screenings; Freedom of Information Act (FOIA) requests; advocacy at Immigration and Customs Enforcement (ICE) check-ins; and assistance with completing and filing motions, changes of address, applications for work authorization, and applications for relief (including asylum applications).

## ***Place***

Six months before an individual's final hearing, the case is assigned to an ECO attorney for full representation. At this final stage, ECO participants receive one-on-one representation to prepare for and appear at their final hearing.

## ***Defend***

ECO provides competent, zealous representation to all ECO participants. ECO attorneys meet weekly to discuss case strategy, discuss new developments in the law, and participate in legal trainings ranging from emerging topics on immigration law to immigration trial preparation and advocacy. ECO's collective model enables collaboration and promotes increased efficiency and positive case outcomes for all ECO participants.



## Who Is ECO?

The ECO collaborative is a formal partnership between non-profit organizations that includes all non-profit immigration legal service providers engaged in deportation defense in the Portland metropolitan area. Outside of this formal partnership, dozens of other community-based organizations support ECO's work by providing ancillary services and referring cases to the program.

### ***The Navigators***

Full-time navigators are housed at El Programa Hispano, Immigrant and Refugee Community Organization (IRCO), Latino Network, and Pueblo Unido.

### ***The Clearinghouse***

Innovation Law Lab acts as the ECO program coordinator, operating and maintaining the ECO Clearinghouse and providing tactical assistance and support to ECO participants.

### ***The Legal Service Providers***

Direct legal services and representation are provided by Catholic Charities Immigration Legal Services, IRCO, Immigration Counseling Service (ICS), Lutheran Community Services Northwest, Metropolitan Public Defender (MPD), and SOAR Immigration Legal Services.

### ***The Technology***

Innovation Law Lab provides ongoing software development and maintenance for ECO's Clearinghouse. This database consists of a case referral portal, case management software, and a data analytics engine which work harmoniously to eliminate friction points, automate case sorting processes, and allow for program scalability.

# How Oregon Stepped Up To Defend Our Communities

Oregon's state and local governments have consistently stood in solidarity with immigrant Oregonians. In the wake of the November 2016 election and in anticipation of the anti-immigrant attacks that would follow, Governor Kate Brown issued an Executive Order declaring that Oregon is "a jurisdiction that embraces, celebrates, and welcomes its immigrant and refugee residents and recognizes their contributions to the collective prosperity of all Oregonians."<sup>13</sup> Both Multnomah County and the City of Portland declared themselves to be sanctuary jurisdictions.<sup>14</sup> And in 2018, Oregonians voted overwhelmingly to preserve the state's thirty-year-old disentanglement statute.<sup>15</sup>

In response, the current Administration has targeted the City of Portland and our state by attacking our immigrant residents and communities of color.<sup>16</sup> We have seen increased ICE presence in our communities, ICE arrests at our courthouses in violation of state and local laws, efforts to subvert our community members' due process rights through unlawful subpoenas, and attempts to decimate humanitarian protections such as Deferred Action for Childhood Arrivals (DACA) and asylum.

[13] Or. Exec. Order No.17-04, ¶ 2 (Feb. 2, 2017), [https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_17-04.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_17-04.pdf).

[14] Resolution Declaring Multnomah County a Sanctuary County, Multnomah County Board of County Commissioners (Dec. 22, 2016), <https://multco.us/node/32710>; City of Portland Resolution 37277 (Mar. 22, 2017).

[15] Conrad Wilson, *Oregonians Vote To Keep State's Sanctuary Law, Reject Measure 105*, Oregon Public Broadcasting (Nov. 6, 2018), <https://www.opb.org/news/article/oregon-measure-105-result-sanctuary-state/>; see also Tess Hellgren et al., *Belong: Strengthening Oregon's Disentanglement Statute to Enhance Public Safety, Protect Fundamental Rights, and Promote Collective Prosperity*, Innovation Law Lab (2018), <https://innovationlawlab.org/belong-report-inclusion-2018/>.

[16] See, e.g., Samantha Matsumoto, *Update: ICE makes arrests in Portland during operation targeting sanctuary cities*, OregonLive (Sept. 29, 2017) ("Federal immigration agents arrested 33 people in Portland during a four-day operation targeting sanctuary cities across the nation this week[.]"), [http://www.oregonlive.com/portland/index.ssf/2017/09/ice\\_arrests\\_33\\_in\\_portland\\_dur.html](http://www.oregonlive.com/portland/index.ssf/2017/09/ice_arrests_33_in_portland_dur.html); Miriam Jordan, *Immigration Agents Arrest Hundreds in Sweep of Sanctuary Cities*, New York Times (Sept. 28, 2017),

<https://www.nytimes.com/2017/09/28/us/ice-arrests-sanctuary-cities.html>; Ailsa Chang, *ICE Targeting 'Sanctuary Jurisdictions' in Latest Raids*, National Public Radio (Sept. 29, 2017) ("ICE conducted raids across the country, targeting what they call sanctuary jurisdictions where ICE says they are denied

access to people suspected of violating immigration laws."), <https://www.npr.org/2017/09/29/554600966/ice-targeting-sanctuary-jurisdictions-in-latest-raids>.

Our state and local governments have responded to these attacks by investing in ECO's universal representation program for immigrants facing imminent risk of deportation. With the City of Portland's initial investment, ECO launched on October 1, 2018, and began providing direct legal services to Portland city residents at risk of deportation. Following the City's lead, Multnomah County invested in the program, allowing ECO to expand services to all Multnomah County residents. And a year after ECO's launch, on October 1, 2019, ECO began statewide expansion of its desperately needed legal services after the program received a \$2 million dollar investment from the State of Oregon.

Today, thanks to our governmental actors' commitment to equity and inclusivity, ECO has been funded through June 30, 2021. As a result, any Oregonian who is at risk of deportation but cannot afford private legal representation now has access to free, high-quality legal services and representation at their final hearings before the Portland Immigration Court.



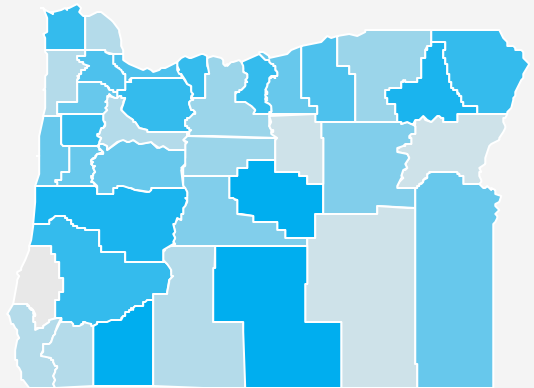
# ECO In Action

A year and a half into the program, ECO is a resounding success. Since its inception, ECO's provision of crucial legal services has prevented the deportation of 1,096 participants – including unaccompanied minors – across 23 of Oregon's 36 counties. Through its legal defense program, ECO has ensured not only that participants' cases are successful, but also that their families are able to thrive.

## ***Statewide Scope***

Since October 2018, ECO has trained 172 Community Navigators at 57 community-based organizations throughout the State of Oregon. Community Navigators have navigated 703 unrepresented families and individuals into ECO. Community Navigators are currently located in at least ten Oregon counties, including Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties.

The number of ECO participants grows each week, as Community Navigators continue to navigate Oregonians from all across the state into the program. So far, ECO has provided legal services to 1,096 individuals involved in 589 cases before the Portland Immigration Court. Current ECO participants are spread across 23 counties, including Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Douglas, Hood River, Jackson, Jefferson, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Tillamook, Umatilla, Union, Wasco, Washington, and Yamhill counties.



## Legal Services

ECO has conducted 14 asylum workshops and has assisted 367 individuals involved in 168 cases to prepare and file their asylum applications with the Portland Immigration Court. ECO has also assisted 112 individuals to file applications for work authorization.

ECO has represented 27 Oregonians at their final hearings before the Portland Immigration Court. Of these individuals, 17 were granted relief and 9 remain with their families and communities in Oregon while they appeal their decisions. Preparation is ongoing for at least 62 upcoming merits hearings that will be heard before the Portland Immigration Court by June 2021.

## Winning Asylum

ECO won asylum for Carla\*, a Honduran political activist, after she was unlawfully arrested and harmed by the Honduran police during a peaceful political protest. An ECO attorney represented Carla and her minor child at their final hearing, arguing that Carla and her child deserve asylum based on Carla having suffered severe past harm in Honduras and on the high likelihood that Carla would suffer severe harm at the hands of the Honduran government upon her return due to her continued political activities. The Immigration Judge granted Carla and her child asylum, which will allow them to remain in the United States indefinitely and put them on a pathway to lawful permanent residency and citizenship.

## Protecting Permanent Resident Status

ECO successfully advocated for a long-term Lawful Permanent Resident, Jena\*, to keep her permanent resident status and remain in the United States with her family. Jena has lived in the United States since age three. As a child, she suffered severe abuse, and she had struggled with substance abuse as a result. Despite the fact that she was in recovery, ICE instituted deportation proceedings against her. An ECO attorney represented Jena at her final hearing and the Immigration Judge granted her permission to remain in the United States as a Lawful Permanent Resident.

### *Appellate Support*

Through its pro bono arm, ECO has also helped 17 Oregonians to file a *pro se* appeal from an erroneous Immigration Judge decision with the Board of Immigration Appeals (BIA). Of these cases, 16 have been placed with a pro bono attorney for full representation before the BIA.

## Facilitating Pro Bono Assistance

ECO represented Emanuel\*, a Honduran asylum seeker, at his merits hearing in July 2019. Despite his legitimate asylum claim, the Immigration Judge denied Emanuel's case. ECO has assisted Emanuel in renewing his work permit and filing his appeal, and a pro bono attorney will complete the appeal process through ECO's pro bono arm. Emanuel is a dedicated volunteer at Habitat for Humanity and has become a valued member of his sponsor's family. Because of ECO's zealous representation at his final hearing, Emanuel is well-positioned to succeed on his appeal with the assistance of a pro bono attorney. ECO is hopeful that the judge's erroneous decision will be corrected on appeal and that Emanuel will ultimately prevail in his request for asylum protection.

## *Unaccompanied Minors*

ECO currently represents 81 unaccompanied minors (children who entered the United States without a parent or guardian). ECO's youngest unaccompanied minor client is just six years old. Many of the unaccompanied minors ECO represents were referred to ECO through a concerned teacher or family member. ECO has filed 53 asylum applications for unaccompanied minors and is currently working on 15 applications for Special Immigrant Juvenile Status, a special visa for children who have been abused, abandoned or neglected by a parent.

## Protecting Children from Unlawful Deportation

ECO prevented the unlawful deportation of Jonathan\*, an unaccompanied minor, who had been unjustly ordered deported after his guardian failed to inform him of his hearing. ECO defended Jonathan and got his deportation order rescinded. He will get a new hearing with ECO's services to fight his case.

ECO also currently represents a 15-year-old boy, Max\*, who fled gang violence and extortion in El Salvador. Due to constant intimidation from the gangs, Max was forced out of elementary school, barely having learned to read or write. His father abandoned him when he was one year old and his mother left El Salvador when he was just eight, leaving him to live with his aunt. Danger from the gangs forced Max to flee El Salvador and ECO now represents Max in his application for asylum as an unaccompanied minor. Without ECO, Max, who is just a child, would be forced to defend himself against the deportation process entirely alone.



## ***Family Stability***

ECO increases family stability and facilitates access to education, housing, and health. Families in which a parent is at risk of deportation suffer greater food and housing instability, are less likely to access pre-school and other development-promoting activities, make fewer visits to healthcare providers, and are more likely to live in poverty.<sup>17</sup> Preventing deportations and providing access to legal counsel thus improves not only immigration case outcomes, but also overall family stability, which then minimizes the impact on social services infrastructure at the state and local level.

## **Keeping Families Together**

ECO prevented the deportation of a family of six after the family was threatened by violent gangs in El Salvador for their anti-gang activities. The family's father, Esteban\*, worked for the Salvadoran government. Despite his attempts to keep his identity secret, Salvadoran gangs discovered his involvement with the government and targeted Esteban and his family. After two of his Esteban's colleagues were brutally murdered and as the threats against his family increased, the family fled El Salvador. An ECO attorney represented the family at their final immigration hearing and the Immigration Judge withheld their deportation due to the heightened risk they face in El Salvador. Esteban and his family can now remain in the United States together safely and without fear of retribution from the gangs.

[17] See Luis H. Zayas & Laurie Heffron, *Disrupting young lives: How detention and deportation affect US-born children of immigrants*, American Psychological Association (Nov. 2016), <https://www.apa.org/pi/families/resources/newsletter/2016/11/detention-deportation>



## Supporting Safe Housing

While unrepresented, Luis\* – a single father – and his three children moved constantly between motels and the couches of friends and family members, unable to afford stable housing and constantly in fear that ICE would detain Luis and separate him from his children. After receiving representation through ECO, Luis's attorney coordinated with Latino Network, an ECO navigating organization, to find Luis and his children their own apartment. The family's housing stability will strengthen their ability to fight their immigration case and also has allowed the children to consistently attend the same school.

ECO also represents Mary\*, who fled to the United States after surviving severe domestic violence at the hands of her children's father. Because of her inability to work at the beginning of her case, and her recovery from trauma, Mary and her children faced eviction from their apartment. Mary's ECO attorney coordinated with El Programa Hispano, one of ECO's navigating organizations, to connect her to much-needed mental health services and rental assistance. Mary also obtained a work permit, putting her family on the path to both legal and economic stability.



# The Need for ECO Is Stronger Than Ever

In the year and a half since ECO began, the need for its services has only grown. There are now 7,400 cases pending in the Portland Immigration Court.<sup>18</sup> Due to a skyrocketing case backlog, individuals with proceedings in the Portland court must wait an average of nearly two years for their next hearing.<sup>19</sup> Already, ECO has participants whose next hearings have been scheduled for 2022.

Without ECO, many of these immigrants facing deportation proceedings would be unrepresented – and 80% of these unrepresented individuals would be ordered deported, with devastating impacts for their families and the collective prosperity of our state.<sup>20</sup>

Over the past eighteen months, the Trump Administration has also intensified its concerted attacks on immigrants and their families, seeking to block them at the border, limit their eligibility for relief, undermine their court proceedings, and threaten the sanctity of immigrant communities. Now, more than ever, the support and representation of ECO is crucial to ensure that immigrant Oregonians succeed in their meritorious claims for protection.

[18] TRAC, *Immigration Court Backlog Tool* (data through Mar. 2020), [https://trac.syr.edu/phptools/immigration/court\\_backlog/](https://trac.syr.edu/phptools/immigration/court_backlog/) (accessed May 6, 2020).

[19] *Id.*

[20] Estimates based on data obtained by Immigrant Defense Oregon (IDO) from the Executive Office for Immigration Review (EOIR) of all deportation cases decided on their merits by an immigration judge in Portland Immigration Court from October 1, 2015, through June 30, 2017.

## The Future of DACA Hangs in the Balance

Since launching in 2012, the Deferred Action for Childhood Arrivals (DACA) program has provided security for hundreds of thousands of immigrants across the country who arrived in the U.S. as undocumented children. Today, there are over 650,000 DACA recipients nationwide.<sup>21</sup> A 2015 survey by United We Dream found that nearly 30% of DACA recipients had completed postsecondary education, and that after receiving DACA 30% of recipients returned to school.<sup>22</sup> The survey also showed how DACA recipients play critical roles in their families, with over 60% of recipients helping their family pay the bills and over 70% helping family members by translating or filling out important documents.<sup>23</sup> Over 80% of survey respondents were employed, and over 80% indicated that they feel more able to achieve their career goals thanks to DACA.<sup>24</sup> Many DACA recipients are employed in critical industries, including thousands who are front-line healthcare workers.<sup>25</sup>

In November 2019, the Supreme Court heard oral arguments in litigation challenging DACA's legality.<sup>26</sup> The Court's decision is expected anytime before the end of June. If the Court strikes down the program, the repercussions for DACA recipients will be catastrophic, and there will be an acute need for former recipients to find other means of immigration relief.

Nearly 10,000 Oregonians are currently DACA recipients.<sup>27</sup> These Oregonians are actively seeking higher education, supporting their families, and contributing to the state and local economy.<sup>28</sup> If the Supreme Court rules against them, ECO must be ready to respond immediately by supporting Oregonians who are eligible for other forms of relief in immigration court.

[21] Migration Policy Institute, *Deferred Action for Childhood Arrivals (DACA) Data Tools* (as of Sept. 2019), <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.

[22] Zenén Jaimes Pérez, *A Portrait of Deferred Action for Childhood Arrivals Recipients: Challenges and Opportunities Three-Years Later*, United We Dream, 11 (Oct. 2015), <https://unitedwedream.org/wp-content/uploads/2017/10/DACA-report-final-1.pdf>.

[23] *Id.* at 16-17.

[24] *Id.* at 11.

[25] Laura Molinari, *Thousands of "Dreamers" are health care workers on the front lines – but fear they could soon face deportation*, CBS News (Apr. 23, 2020), <https://www.cbsnews.com/news/coronavirus-daca-health-care-workers-covid-19-deportation/>.

[26] See National Immigration Law Center, *DACA Litigation Timeline* (Sept. 28, 2019), <https://www.nilc.org/issues/daca/daca-litigation-timeline/>.

[27] MPI, *supra* at n. 20.

[28] See, e.g., Ericka Cruz Guevarra, *For Undocumented Youth, Being Exceptional Is A Survival Tactic*, Oregon Public Broadcasting (Sept. 2, 2017), <https://www.opb.org/news/article/oregon-undocumented-immigrant-daca-stress-trump-decision/>; April Baer, *'Dreamers' of Oregon, Captured In Portraits*, Oregon Public Broadcasting (Mar. 17, 2018), <https://www.opb.org/radio/article/daca-dreamer-oregon-portrait-series-holly-andres/>; Thacher Schmid, *In Oregon, one college tries to make a home for 'Dreamers'*, Los Angeles Times (Mar. 18, 2018), <https://www.latimes.com/nation/la-na-oregon-daca-2018-story.html>.

# Fighting for DACA Recipients

ECO represented Alexa\*, a 31-year-old mother of two who has been living in the US for over twenty years. Once a DACA recipient, she was charged with a minor crime and followed her criminal attorney's incorrect advice to plead guilty – not understanding the immigration consequences that would follow. Once she lost her DACA status, Alexa was detained by ICE and placed in deportation proceedings. Alexa navigated into ECO with less than a month to prepare for her deportation hearing. The program helped her to file a motion to continue her case, which was granted and enabled ECO to fully prepare and represent Alexa at her final hearing. With the assistance of ECO, Alexa is currently still fighting her case so that she can stay in the country in which she grew up and raise her one- and three-year-old U.S.-citizen children.

## ***President Trump Continues to Attack Oregon's Immigrant Communities***

Here in Oregon, the Trump Administration has continued to target immigrants through tactics that infringe upon legal rights and aim to sow fear in our communities. In recent years, ICE began to accelerate courthouse arrests, apprehending individuals with outstanding immigration charges on their way to or from unrelated hearings at state courthouses.<sup>29</sup> Oregon's Chief Justice put a stop to this practice in November 2019, issuing a rule limiting courthouse arrests in order "to maintain the integrity of our courts and provide access to justice."<sup>30</sup> Nevertheless, ICE continues to work with local law enforcement – in violation of Oregon's disentanglement statute ORS 181A.820 – to target immigrant Oregonians in a variety of ways. Most recently, ICE has resorted to issuing subpoenas to attempt to gain immigration information from protected sources,<sup>31</sup> and in one case arrested a parent at their child's school bus stop.<sup>32</sup>

[29] See *Petition of Adelante Mujeres et al. for Order Prohibiting Civil ICE Intrusions in and Around Oregon State Courthouses* (Dec. 4, 2018), <https://innovationlawlab.org/wp-content/uploads/2019/04/Petition-for-Chief-Justice-Order-Preventing-ICE-Courthouse-Arrests.pdf>.

[30] State of Oregon Judicial Dept., *Oregon Chief Justice Issues Rule Limiting Courthouse Arrests*, Press Release (Nov. 14, 2019), <https://www.courts.oregon.gov/news/Lists/ArticleNews/Attachments/1213/acd3fb79befadf4982b20ceba127ffd0-Media-Release-New-UTCR-Limiting-Civil-Arrests-in-Court-Facilities-effective-2019-11-14.pdf>.

[31] Conrad Wilson, *ICE Issues 5 More Subpoenas To Oregon Law Enforcement*, OPB (Feb. 21, 2020), <https://www.opb.org/news/article/ice-subpoena-clackamas-wasco-hillsboro-oregon/>; see generally Innovation Law Lab, *Toolkit for Resisting ICE Administrative Subpoenas* (Mar. 5, 2020), <https://innovationlawlab.org/toolkit/toolkit-resisting-ice-administrative-subpoenas/>.

[32] Donald Orr & Rob Manning, *'Bus Stops Should Be Safe': Oregon Department Of Education Pushes Back On ICE Actions*, OPB (Feb. 28, 2020), <https://www.opb.org/news/article/oregon-education-department-ice-arrests-school-bus-stops/>.

As the current Administration continues to target Oregon's immigrants, it is crucial that ECO continue providing support for our immigrant community members. By providing robust representation, ECO attorneys give immigrants and their families the support needed to succeed on their meritorious claims for relief and enable them to receive the protection they deserve. Many recently arrived Oregonians have also been subjected to the Administration's series of inhumane border policies that seek to deter and expel asylum-seeking individuals and families.<sup>33</sup> For these immigrants, attorney representation is crucial to help them navigate heightened standards in order to assert their meritorious claims for protection.

## Stopping Unlawful Detention

ECO prevented the unlawful ICE detention of Maria\*, an indigenous Guatemalan asylum-seeker and single mother of three, after ICE threatened to detain her for changing addresses without ICE's permission. Maria had recently been evicted by the City of Eugene and when she attempted to report her change of address to ICE, ICE officers threatened to detain her. An ECO attorney met with Maria to advise her of her options and attended Maria's ICE check-in with her. The ECO attorney successfully advocated with ICE officers to prevent Maria's detention, allowing her to remain with her children and continue fighting her case outside of detention.

[33] For example, recently arrived Oregonians may be subject to the Administration's new asylum ban, introduced in July 2019, that strips asylum eligibility from individuals who failed to seek asylum in any third-country they passed through on the way to the U.S. See Asylum Eligibility and Procedural Modifications, 84 Fed. Reg. 136, 33837 (Jul. 16, 2019), <https://www.federalregister.gov/documents/2019/07/16/2019-15246/asylum-eligibility-and-procedural-modifications>.

## *The COVID-19 Pandemic Jeopardizes Lives and Livelihoods*

Since the beginning of March 2020, the pandemic of the novel coronavirus (“COVID-19”) has transformed life in Oregon and across the globe. Immigration courts have notably failed to respond with adequate measures that protect public health without infringing upon respondents’ rights. While non-detained cases have been postponed, detained hearings continue and filing requirements have failed to adapt to the remote context.<sup>34</sup>

Unemployment numbers have also skyrocketed, with over 360,000 Oregonians filing initial unemployment claims in the first six weeks of the public health crisis.<sup>35</sup> Immigrant Oregonians have been hit hard by these economic impacts, particularly as many families do not qualify for stimulus checks or unemployment support due to their immigration status. While the Oregon Worker Relief Fund aims to provide some relief,<sup>36</sup> many immigrant families remain in particularly vulnerable situations.

In this context, individuals’ access to ECO’s pro bono legal services is crucial to ensure that their cases continue to move forward and their rights are not compromised due to the current public health crisis. ECO attorneys are able to advocate for their clients’ claims for relief while also demanding that proper precautions be taken to protect respondents, counsel, court staff, and the public during the pandemic.

[34] National Association of Immigration Judges, ICE Union, and American Immigration Lawyers Association, *Immigration Judges, Prosecutors and Attorneys Call for the Nationwide Closure of All Immigration Courts: Position on Health and Safety of the Immigration Courts During the COVID-19 Pandemic*, Joint Statement (Mar. 15, 2020), <https://www.naij-usa.org/images/uploads/newsroom/2020.03.15.00.pdf>.

[35] Damon Runberg, *Who Are the COVID-19 Unemployed in Oregon?*, State of Oregon Employment Dept. (Apr. 30, 2020), <https://www.qualityinfo.org/-/who-are-the-covid-19-unemployed-in-oregon->.

[36] Causa, *Oregon Worker Relief Fund* (accessed May 4, 2020), <https://causaoregon.org/oregon-worker-relief-fund/>.

## ***The Trump Administration Continues to Assail Oregonians' Right to Asylum***

Over the past two years, the Attorneys General have abused their certification power to set legal precedent seeking to limit the right to asylum. In June 2018, in *Matter of A-B-*, Attorney General Jeff Sessions sought to restrict the right to asylum for domestic violence survivors and victims of gang violence.<sup>37</sup> The following summer, Attorney General William Barr published *Matter of L-E-A-*, aiming to foreclose asylum claims based on family membership.<sup>38</sup>

These unlawful decisions make it incredibly difficult for many vulnerable individuals and families to win their cases and lead to unlawful and unjust deportations that harm our entire state. It is thus more important than ever that individuals find competent counsel to defend their rights to protection in the current legal landscape. ECO attorneys have successfully advocated for individuals targeted by the Attorney General's decisions and helped them win their meritorious cases for relief.

## **Advocating for Domestic Violence Survivors**

Despite this Administration's attempt to unlawfully limit asylum for survivors of domestic violence, ECO won asylum for Mariana\*, a survivor of domestic violence. The ECO attorney assigned to Mariana's case meticulously researched the law and prepared the case for trial. The case was so thoroughly prepared that the ICE Trial Attorney agreed that Mariana had met all of the elements to establish asylum eligibility. The Immigration Judge granted Mariana's case based on the documentary evidence submitted and did not require Mariana to testify. Because of ECO's zealous representation, Mariana and her child were granted asylum without having to relive their past trauma in court and can now remain in the United States indefinitely, where they are safe from their abuser and have access to mental health and other support services for survivors of domestic violence.

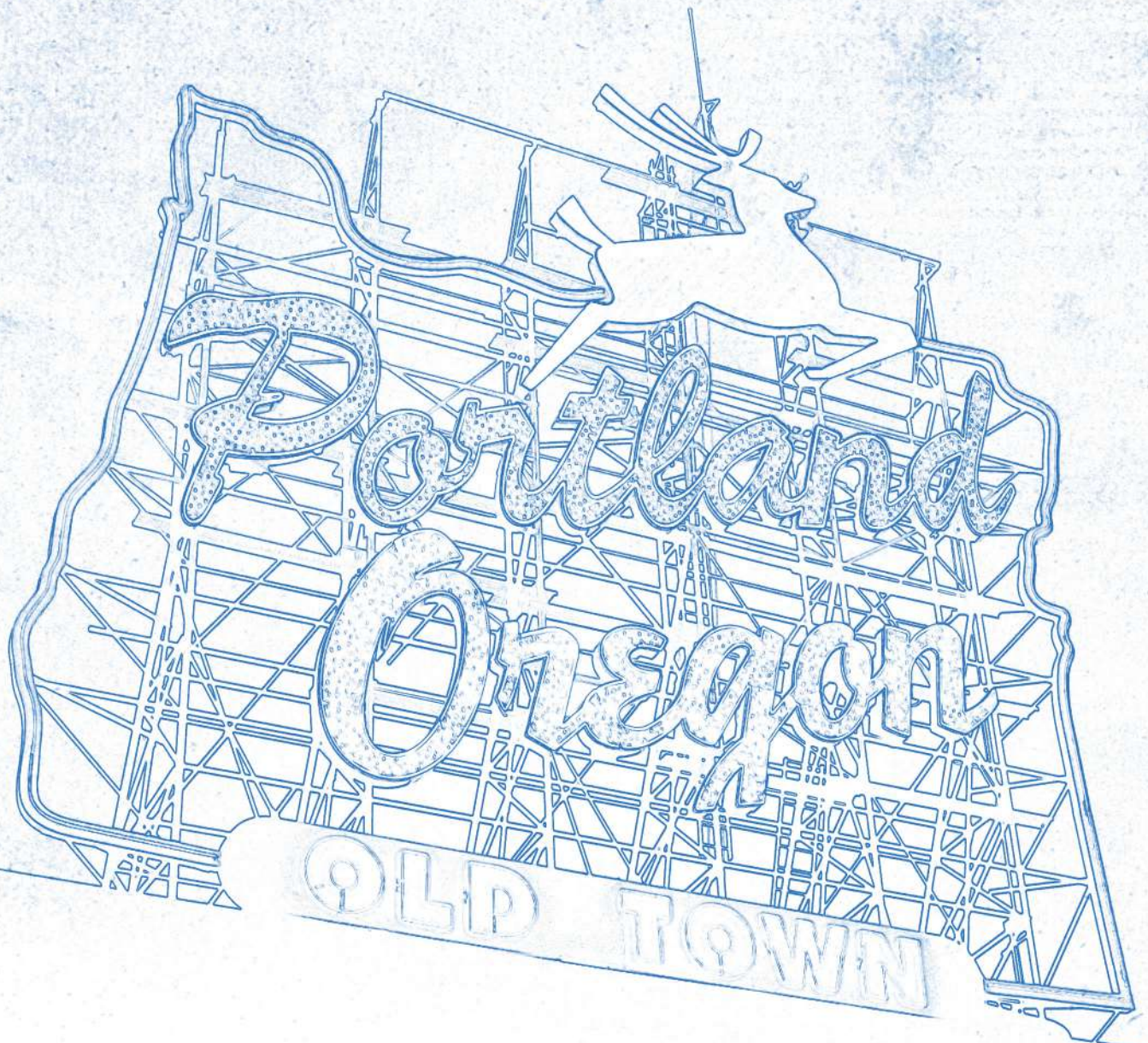


## Conclusion: The Future of ECO

Faced with the current Administration's escalating attacks against immigrants and their communities, Oregon has shown its continued determination to support and protect its immigrant residents. The ECO program is a key component of Oregon's commitment to equity and inclusivity: by providing Oregonians with the legal support necessary to succeed in their immigration court proceedings, ECO prevents unjust deportations that tear apart families and communities.

Now more than ever, continued community support is crucial to the future of ECO. By extending their commitment to ECO, state and local governments play a critical role in building the permanent pathways to immigrant inclusion that will ultimately ensure the collective prosperity of all Oregonians.





DEFEND EVERYONE:

# CREATING THE EQUITY CORPS OF OREGON TO PROVIDE UNIVERSAL REPRESENTATION

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APRIL 2018

## **Defend Everyone: Providing Universal Representation through the Equity Corps of Oregon**

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# Acknowledgments

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## Why universal representation?

Universal representation promotes the equitable treatment of Portland's immigrant communities of color by reducing family separation, deportation, and detention based on race and ethnicity. At current rates, about 80 percent of unrepresented Oregonians whose deportation cases are decided on the merits at the Portland Immigration Court will be ordered deported. Most will be people of color. All of them will have a connection to the State, the Counties, and the City.

- By defending everyone at imminent risk of deportation, Oregon creates stability for immigrant communities of color through inclusion.
- A stronger, more vibrant city where immigrants of color are included
- More resilient immigrant service infrastructure
- More city residents with stable immigration status contributing to our shared prosperity through increased taxes, productivity, and entrepreneurship
- More stability for businesses at risk of losing employees, for parents and kids at risk of losing each other, for schools, and for immigrants of color painted as unstable and risky to hire or depend on.

## What is the Equity Corps of Oregon?

The Equity Corps of Oregon is a scalable, data-driven, innovative model for holistically delivering immigrant defense services in a manner that creates permanent pathway to immigrant inclusion. The Equity Corp delivers systemic change.

- The Equity Corps is critical to preserving the City of Portland's sanctuary status because its residents and workers are in danger of unjust and unfair deportations.
- The Equity Corps promotes the equitable treatment of Portland's immigrant communities of color by reducing family separation, deportation, and detention based on race and ethnicity.
- The Equity Corps promotes our collective prosperity by protecting the millions in taxes paid by immigrants and saving employers millions in costs associated with replacing employees who are lost because of unjust and unfair deportations.
- The Equity Corps saves millions in public dollars by reducing the incidence of students forced to drop out because a parent is detained or deported and improves graduation rates.
- The Equity Corps model innovates and efficiently scales to promote justice, equity, and inclusion.

# Executive Summary

The recent massive buildup of immigration policing and anti-immigrant sentiment has fueled an unprecedented deportation and detention crisis that is devastating immigrant families and immigrant communities of color. It threatens to undermine the safety of our community and its foundational principles.

Portland stood up for itself and its immigrant community members when it declared itself a welcoming, inclusive sanctuary state. In response, the current Administration has targeted the City and its immigrant residents and communities of color. Immigration arrests, detention, and fear have spiked in Oregon's immigrant communities.

## Universal Representation & The Equity Corps

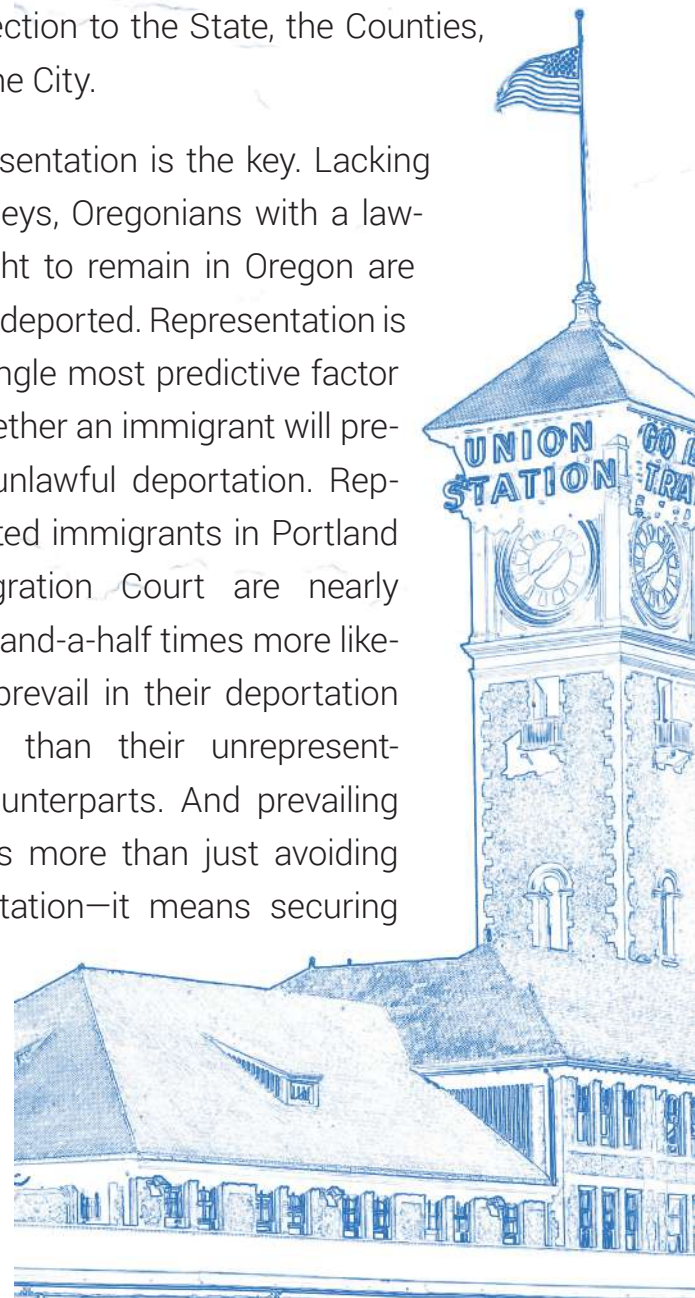
The most powerful way to fulfill the promise of inclusion and sanctuary, and further our collective prosperity, is to join—and lead through an innovative, comprehensive plan—the movement of cities and states that are establishing equitable access to justice for immigrant residents. Through the Equity Corps of Oregon, we can provide universal representation to immigrant Oregonians threatened with deportation.

Representation returns the rule of law to deportation proceedings by protecting against unfair and unjust deportation and freeing those detained unnecessarily. The deportation system is stacked against the individual who, often alone, faces a government attorney

trained to pursue their expulsion. The State, the Counties, and the City can provide the vision and the capacity for universal representation of our people.

The Equity Corps promotes the equitable treatment of Portland's communities of color by reducing family separation, deportation, and detention based on race and ethnicity. At current rates, about 80 percent of unrepresented Oregonians whose deportation cases are decided on the merits at the Portland Immigration Court will be ordered deported. Most will be people of color. All of them will have a connection to the State, the Counties, and the City.

Representation is the key. Lacking attorneys, Oregonians with a lawful right to remain in Oregon are being deported. Representation is the single most predictive factor in whether an immigrant will prevent unlawful deportation. Represented immigrants in Portland Immigration Court are nearly three-and-a-half times more likely to prevail in their deportation cases than their unrepresented counterparts. And prevailing means more than just avoiding deportation—it means securing



more stable status, achieving recognition of a right to remain in their community. Immigrants represented by counsel are more likely to have their cases favorably terminated, they are more likely to seek status, and they are more likely to obtain the status they seek.

## Establishing a universal representation fund promotes our collective prosperity by:

- Advancing Portland's goals of inclusion and equity for immigrant communities of color.
- Protecting the millions in taxes paid by immigrants and saving employers millions in costs associated with replacing employees who are lost to unjust and unfair deportations.
- Protecting the \$1.4 billion that Oregon undocumented immigrants spend each year.
- Saving millions in public dollars by reducing the number of students forced to drop out because a parent is detained or deported and improving graduation rates.
- Protecting children and families from the trauma of a parent's deportation.

Oregon's future depends on our children – more than 71,000 of whom are U.S. citizens living with an undocumented parent at risk of deportation.

## Creating the Equity Corps of Oregon defends the rule of law for everyone:

The Equity Corps builds on the existing Oregon Rights Architecture to create an equitable Oregon for everyone. It integrates free, quality legal defense into the Rights Architecture's path-breaking approach to systematic delivery of legal and community-based service to Oregon's immigrant populations. The Equity Corps provides every income-eligible immigrant who is at risk of deportation with a well-supported attorney or authorized representative.

- Equity Corps Attorneys: the core component of the network, dedicated attorneys housed at established immigration legal non-profits represent immigrants at risk for deportation.
- Community Navigation Services: navigators and trained volunteers embedded in impacted communities identify beneficiaries, guide them through the network's services, and provide culturally-specific support.
- Centralized Clearinghouse: screening services, research, and technical assistance are located in a single clearinghouse. This collaborative model allows legal defenders to focus only on winning cases and preventing family separation.
- Case Cost Fund: this fund covers psychological evaluations, translation services, and other costs as needed. Winning cases requires different tools for different clients; the fund eliminates economic barriers to justice for immigrant Oregonians.

**Most importantly, the representation system is sensitive to cost and need. It can organically scale up or down as progress towards permanent immigrant inclusion is achieved.**

# An Investment in Equity

The Equity Corps of Oregon is—in the most literal and visceral sense—an investment in equity for Portland. Our beautiful state of Oregon is an immigrant state and Portland is an immigrant city. Now, more than ever, our collective prosperity is integrated with the collective achievements of our immigrant community. Immigrant Oregonians are deeply woven into the fabric of our state and contribute extensively to our collective prosperity as workers, business owners, taxpayers, and neighbors.<sup>1</sup> One in ten Oregon residents is an immigrant, totaling almost 400,000 foreign-born Oregonians.<sup>2</sup>

Immigrants are an essential part of Oregon families. Many Oregon families have mixed citizenship statuses. One in eight Oregon residents is a native-born U.S. citizen with at least one immigrant parent. One in twelve Oregon children—more than 71,000—is a U.S. citizen living with at least one undocumented parent. Nearly 90,000 U.S. citizens in Oregon live with at least one family member who is undocumented.<sup>3</sup>

Immigrant Oregonians also drive Oregon's economic engine. Immigrants comprise near-

ly 13 percent of the state's workforce, and Oregon's immigrant-led households paid nearly \$737 million in state and local taxes in 2014. Undocumented immigrants comprise 4.8 percent of the workforce and contributed roughly \$81 million in state and local taxes in 2014. Oregon's DACA recipients alone paid an estimated \$20 million in state and local taxes in 2016. As consumers, Oregon residents in immigrant-led households wielded \$7.4 billion in spending power in 2014.<sup>4</sup>

This collective prosperity is threatened by an immigration system that is stacked against the individual, in which Oregonians must defend themselves alone against a federal attorney trained to pursue exile. Nearly 1,400 Oregonians are currently facing deportation proceedings in immigration court without legal representation.<sup>5</sup> Without an attorney, these Oregonians are far less likely to succeed in preventing family separation. In fact, represented immigrants in Portland Immigration Court are nearly three-and-a-half times more likely to win relief from deportation than their unrepresented counterparts.<sup>6</sup> At current rates, about 80 percent of unrepresented Oregonians whose deportation cases are decided on the merits at the Portland Immigration Court will be ordered deported.<sup>7</sup> Further, unrepresented immigrants rarely even fight their cases because

<sup>1</sup>See, e.g., Or. Exec. Order No. 17-04, *Renewing Oregon's Commitment to Protecting Its Immigrant, Refugee, and Religious-Minority Residents* (Feb. 2, 2017), [http://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_17-04.pdf](http://www.oregon.gov/gov/Documents/executive_orders/eo_17-04.pdf).

<sup>2</sup>Am. Immigr. Council, *Immigrants in Oregon* (Sept. 15, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>.

<sup>3</sup>Id.

<sup>4</sup>Id.

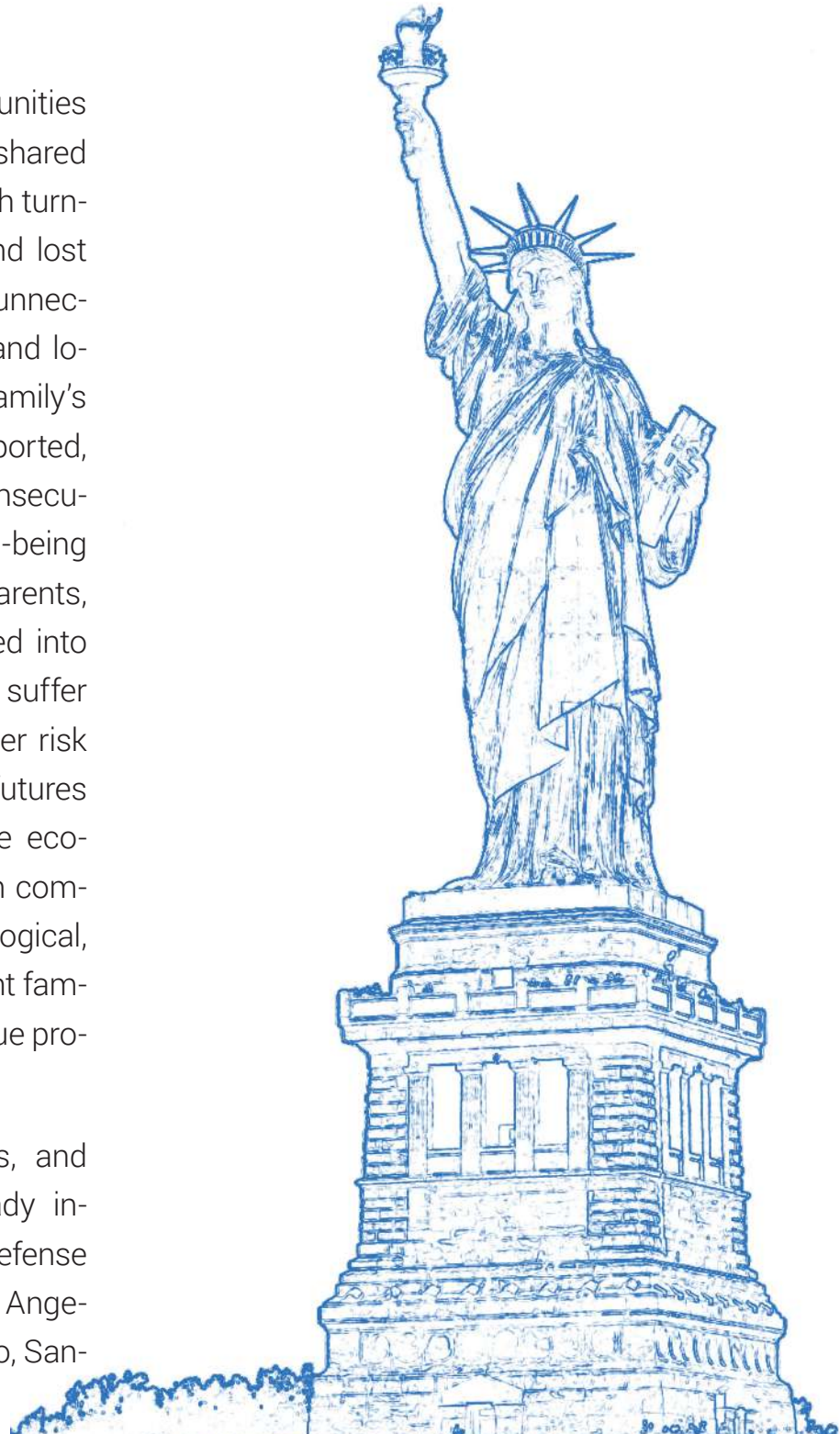
<sup>5</sup>Transactional Records Access Clearinghouse (TRAC), "Individuals in Immigration Court by Their Address," <http://trac.syr.edu/phptools/immigration/addressrep/> (last visited March 28, 2018).

the system is set up to fail them.<sup>8</sup> Thousands of Oregon families are needlessly fractured by deportation simply because a family member has no access to legal representation.

This disruption to immigrant communities has enormous consequences for our shared prosperity. Employers must bear the high turnover-related costs of hiring, training, and lost productivity when their employees are unnecessarily detained and deported. State and local governments are burdened when a family's primary wage earner or caregiver is deported, which can increase housing and food insecurity, reliance on public health and well-being programs for the children of deported parents, and the danger of children being placed into the foster care system. Students who suffer the deportation of a parent are at higher risk of dropping out of school, limiting their futures and their potential to contribute to the economic and social enrichment of Oregon communities.<sup>9</sup> In sum, the extreme psychological, physical, and financial harm to immigrant families torn apart by deportation without due process impacts all Oregonians.

A growing number of cities, counties, and states across the country have already invested public dollars in deportation defense funds—including Seattle, Tacoma, Los Angeles, San Francisco, Oakland, Sacramento, San-

ta Ana, Denver, Chicago, New York, and others. With the Equity Corps model, Oregon can lead and successfully innovate.



<sup>6</sup> Estimates based on data obtained by Immigrant Defense Oregon (IDO) from the Executive Office for Immigration Review (EOIR) of all deportation cases decided on their merits by an immigration judge in Portland Immigration Court from October 1, 2015 through June 30, 2017.

<sup>7</sup> *Id.*

<sup>8</sup> See Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. Pa. L. Rev. 1, 2 (2015) (finding that the odds were fifteen times greater that immigrants with representation sought relief, as compared to those without).

Yorkers (2013), [https://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity\\_project\\_print\\_layout.pdf](https://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf).

<sup>9</sup> See, e.g., Center for Popular Democracy et. al, *The New York Immigrant Family Unity Project: Good For Families, Good for Employers, and Good for All New Yorkers* (2013), [https://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity\\_project\\_print\\_layout.pdf](https://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf).

# Universal Representation is critical to preserving the City of Portland's sanctuary status by ending unjust and unfair deportations.

In the wake of a national election that jeopardized the City of Portland's immigrant communities of color and the core Oregonian value of fairness, the City of Portland rightly declared itself to be a "Welcoming City, a Sanctuary City, and an Inclusive City for all."<sup>10</sup> This resolution, more than anything, "reaffirm[ed] the City's commitment to continuing its sanctuary policies and la[id] out plans to strengthen them[.]"<sup>11</sup>

This bold declaration, though, triggered a backlash against the City's vision of inclusivity. Portland's sanctuary resolution paradoxically put these same communities at heightened risk. In September 2017, the U.S. Attorney General came to Portland and criticized the City for thinking that it is "above the law" because it has refused to honor constitutionally illegal requests from na-



<sup>10</sup> City of Portland Resolution 37277, March 22, 2017.

<sup>11</sup> City New Portlander Policy Commission, Office of Neighborhood Involvement, Report to City Council of the Welcoming / Inclusive / Sanctuary City Task Force 8 (March 2018).

<sup>12</sup> Cf. Attorney General Sessions Delivers Remarks to Federal Law Enforcement Authorities About Sanctuary Cities, Portland, Oregon (Sept. 19, 2017) with *Miranda-Olivares v. Clackamas County*, 3:12-cv-02317-ST, 2014 WL 1414305, \*10-11 (D.Or. 2014) (concluding ICE detainer policy violates U.S. constitution).



tional immigration agents.<sup>12</sup> A few days later, mass deportation sweeps were unleashed in Portland.<sup>13</sup>

The City of Portland, the Counties of Multnomah and Washington, and the State of Oregon, through their sanctuary initiatives, can protect our prosperity—both human and economic capital—by simply providing equitable access to justice for our immigrant residents: give them lawyers to defend against deportation and immigration instability. By providing lawyers to Oregonians at the Portland Immigration Court, we can restore the

rule-of-law against unfair and unjust family separation, protect Oregon families from needless suffering, and provide the structure for our continued collective prosperity. That is what sanctuary means.<sup>14</sup>



<sup>13</sup> See, e.g., Samantha Matsumoto, Update: ICE makes arrests in Portland during operation targeting sanctuary cities, Oregonlive (Sept. 29, 2017), ("Federal immigration agents arrested 33 people in Portland during a four-day operation targeting sanctuary cities across the nation this week[.]"), [http://www.oregonlive.com/portland/index.ssf/2017/09/ice\\_arrests\\_33\\_in\\_portland\\_dur.html](http://www.oregonlive.com/portland/index.ssf/2017/09/ice_arrests_33_in_portland_dur.html); Miriam Jordan, Immigration Agents Arrest Hundreds in Sweep of Sanctuary Cities, NY Times (Sept. 28, 2017), <https://www.nytimes.com/2017/09/28/us/ice-arrests-sanctuary-cities.html>. Ailsa Chang, ICE Targeting 'Sanctuary Jurisdictions' in Latest Raids, National Public Radio (Sept. 29, 2017) ("ICE conducted raids across the country, targeting what they call sanctuary jurisdictions where ICE says they are denied access to people suspected of violating immigration laws."), <https://www.npr.org/2017/09/29/554600966/ice-targeting-sanctuary-jurisdictions-in-latest-raids>.

<sup>14</sup> Sanctuary Task Force at 3 (because of "immigration sweeps, detentions, and deportation" that "cause great insecurity, fear, and trauma for the targeted communities, including United States citizen children and other family members" the "Task Force agrees that the highest priority is the availability of a Universal Representation or Legal Defense Grant Fund to provide community-based organizations (CBOs) for legal representation to all immigrants who are detained by the several arms of the Department of Homeland Security or put into deportation proceedings.") - <https://www.portlandoregon.gov/oni/article/674355>.

# Universal Representation promotes the equitable treatment of Portland’s communities of color by reducing family separation, deportation, and detention based on race and ethnicity.

The Equity Corps is a data-driven model that strengthens the City’s engagement with immigrant and refugee communities of color and fulfills the City’s promise to its communities of color, as articulated in the Portland Citywide Racial Equity Goals & Strategies.<sup>15</sup> The Equity Corps “strengthen[s] outreach, public engagement, and access to City services for communities of color and immigrant and refugee communities[.]”<sup>16</sup> The model is built around collaboration in order to eliminate inequity for immigrant communities of color.

Mass deportation threatens the City of Portland’s communities of color. More than 90 percent of deportation proceedings in Oregon are commenced against people of color.<sup>17</sup> The federal policy is plain: white people are welcome. People of color are not.<sup>18</sup> A fear of deportation, a lack of access to legal services, and avoidable detentions and deportations all operate to marginalize Portland’s immigrant communities of color by preventing full and equal par-

ticipation in Portland’s economy, civic life, and community.

In addition to empowering vulnerable immigrants and their families, a publicly funded removal defense project would create new data for understanding the City’s efforts toward equity. For example, the City would have substantial information about which communities are of color are being targeted by federal immigration enforcement and to what extent local law enforcement and criminal justice policies further expose local residents to immigration enforcement. The data could also be used to track the number of Portlanders with claims to legal status who, but for publicly funded access to representation, likely would have been deported. Lastly, analysis of the data would provide excellent information for attorneys and community organizations as to strategies and practices that best support immigrant communities in asserting their rights.

<sup>15</sup> City of Portland, Office of Equity & Human Rights, Citywide Racial Equity Goals & Strategies.

<sup>16</sup> Id.

<sup>17</sup> Estimate based on data about the nationality of individuals in deportation proceedings initiated in immigration court between Oct. 2016 and Feb. 2018 and in Portland Immigration Court (decided or pending) as of Feb. 2018. See TRAC, “Details on Deportation Proceedings,” <http://trac.syr.edu/phptools/immigration/nta/> (last visited March 27, 2018).

<sup>18</sup> Jen Kirby, “What he said was basically a form of eugenics”: a professor on Trump’s “shithole countries” remarks, Vox (Jan. 12, 2018) (“What he [Trump] said was basically a form of eugenics — in which he’s saying, ‘This is the population we want: people from places like Norway.’ White people. We don’t want people from African countries or from Haiti. That’s what’s really symbolic here.”).

# Universal Representation promotes our collective prosperity by protecting the millions in taxes paid by immigrants and saving employers millions in costs associated with replacing employees who are lost because of unjust and unfair deportations.

Unfair and unjust deportations cost Oregon employers millions of dollars in lost productivity, lost investments, disruptions to training and micro-enterprises, and lost sales. The Equity Corps protects the \$80 million undocumented immigrants pay in Oregon state and local taxes each year by defending these residents against unlawful deportations. More importantly, the Equity Corps holds the promise of adding an additional \$40 million to the Oregon state and local tax base each year by defeating unlawful deportations and creating the pathway to legalization under current law.<sup>19</sup>

Unlawful deportations threaten the \$1.4 billion Oregon undocumented immigrants spend each year. Indeed, the current mass deportation scheme has enormous economic consequences for Oregon and the City of Portland's economy. Just ask Woodburn: after the ICE raid, "Woodburn [turned] into a ghost town,

the dream immigrants had worked decades to build began to unravel."<sup>20</sup> Business in Woodburn fell 80%.<sup>21</sup> "The economic and fiscal harm from mass deportation is severe."<sup>22</sup>

The Equity Corps protects the enormous contributions to the state made by immigrant workers. Mass deportation does not impact undocumented immigrants only. It impacts all immigrants — particularly immigrants of color. More than 70,000 Oregonians are employed at firms owned by immigrants.<sup>23</sup> Immigrants in Portland "are currently punching above their weight class as entrepreneurs."<sup>24</sup> And, as workers contributing to our collective prosperity, immigrants "punched above their weight class as workers in the state as well."<sup>25</sup> Immigrants make up nearly 13% of all employed Oregonians, despite being only 9.8% of the population.<sup>26</sup>

<sup>19</sup> Institute on Taxation & Economic Policy, *Undocumented Immigrants' State & Local Tax Contributions*, Table 1 at 3 (March 2017).

<sup>20</sup> Casey Parks, 'Everyone is affected.' Immigration raids turn Oregon city into ghost town, *The Oregonian* (Apr. 12, 2017).

<sup>21</sup> *Id.*; Jeff Daniels, Immigration raids having chilling effect as fear keeps customers away from small stores, *CNBC* (March 7, 2017) ("Immigration raids are starting to have an impact on small businesses in the West, with some merchants suggesting a climate of fear is keeping customers away.").

<sup>22</sup> Center for American Progress, *The Economic Impacts of Removing Unauthorized Immigrant Workers 3* (Sept 2016) (estimating mass deportation results in \$434.4 billion lost in GDP nationwide).

<sup>23</sup> Partnership for a New American Economy, *The Contributions of New Americans in Oregon 2* (Aug. 2016).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 7.

<sup>26</sup> *Id.*

# Universal Representation saves millions in public dollars by reducing the number of students forced to drop out because a parent is detained or deported and improves graduation rates.

The unfair detention and deportation of immigrant parents can severely impact the physical and emotional health of their children, many of whom are U.S. citizens, which in turn harms the health of our entire City and State. Children with a parent who is detained or deported suffer an increased occurrence of anxiety, depression, social isolation, aggression, and other behavioral problems. When a family's breadwinner is taken away, children also face housing and food insecurity.<sup>27</sup> These harms negatively affect children's attendance and performance in school.<sup>28</sup> When parents are deported, the children left behind are at heightened risk of dropping out of school and earning significantly less as adults. Oregon pays part of the long-term price, in the form of lost state and local tax revenues, less consumption, and higher spending on public assistance.<sup>29</sup>

The Equity Corps protects children and families from the trauma of a parent's deportation, and results in a long-term increase in state and local revenue by helping more young people finish school and reach their full potential. Oregon's future depends on our children – more than 71,000 of whom are U.S. citizens living with an undocumented parent at risk of deportation. The Board of Education at Portland Public Schools has already recognized that “students' ability to achieve is negatively impacted by the removal of their family members during ICE raids[.]”<sup>30</sup> Keeping these families united by preventing unjust deportations is an important way for the City and State to fulfill our commitment to educational success for all students and improve the state's 77 percent graduation rate, which still falls far below the national average and the state's own goals.<sup>31</sup>

<sup>27</sup> See Heather Koball et al. Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Parents, Urban Institute and Migration Policy Institute 5-9 (Sept. 2015), <https://www.migrationpolicy.org/research/health-and-social-service-needs-us-citizen-children-detained-or-deported-immigrant-parents>; Luis H. Zayas et. al, The Distress of Citizen-Children with Detained and Deported Parents, 24(11) J. Child Fam Stud. 3213 (Nov. 2015), author manuscript at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4667551/>.

<sup>28</sup> See Heather Koball et al. Health and Social Service Needs at 11; Sara Satinsky et. al, Family Unity, Family Health: How Family-Focused Immigration Reform Will Mean Better Health for Children and Families, Human Impact Partners 16-17 (2013), <https://www.issueelab.org/resource/family-unity-family-health-how-family-focused-immigration-reform-will-mean-better-health-for-children-and-families.html>.

<sup>29</sup> See John H. Tyler and Magnus Lofstrom, Finishing High School: Alternative Pathways and Dropout Recovery, Future of Children 87 (Spring 2009), <https://files.eric.ed.gov/fulltext/EJ842053.pdf>; Sara Satinsky et. al, Family Unity, Family Health at 16.

<sup>30</sup> Portland Pub. Sch. Bd. Resolution No. 53, Rights of Undocumented Students and Protocols for INS and ICE Access to Schools (Nov. 2016), <https://www.pps.net/cms/lib8/OR01913224/Centricity/Domain/219/Immigration%20Resolution%203%20FINAL.pdf>.

<sup>31</sup> See Betsy Hammond, Oregon graduation rate improves, driven by gains among Latinos, The Oregonian (Jan. 25, 2018), [http://www.oregonlive.com/education/index.ssf/2018/01/oregon\\_graduation\\_rate\\_improv.html](http://www.oregonlive.com/education/index.ssf/2018/01/oregon_graduation_rate_improv.html).

# Rights Architecture



# The Equity Corps builds on the existing Rights Architecture to create an inclusive Oregon for everyone

In early 2017, Oregon launched a path-breaking approach to systematically organizing and delivering services—legal, activist, community-based—to immigrant populations in Portland and throughout the entire state. The Oregon Rights Architecture is the first of its kind in the nation.<sup>32</sup> It recognizes that to achieve equity, as a state we must build permanent pathways to immigrant inclusion. Aligned around three core values of openness, transparency, and deep visibility, the Rights Architecture allows organizations, governments, and agencies to map themselves within a pathway that promotes inclusion.

The Rights Architecture uses five zones to map immigrant-inclusion work:

**Zone 1: Education and Prevention.** Organizations in this zone educate about constitutional, legal and human rights and about how to effectuate rights. These organizations provide services to create family safety planning and move individuals to more stable immigration status.

**Zone 2: Rapid Response.** Organizations in this zone engage at the moment of unconstitutional activity as raid reporters, legal observers, safety planners, and rapid response attorneys.

**Zone 3: Critical Response Period.** Organizations in this zone deploy legal and community organizing during the period when rapid deportation, detention are most likely to occur.

**Zone 4: Immigrant Defense.** Organizations in this zone defend immigrants against deportation in the immigration courts or rapid removal forums. They include non-governmental organizations, the private bar, and the pro bono bar particularly through the Centers of Excellence.

**Zone 5: Redress & Accountability.** This zone uses data aggregation throughout the architecture to create public-facing reporting, analysis, and litigation to redress unconstitutional conduct and hold us accountable to our best values of inclusion, equity, justness and fairness.

In Oregon, the Rights Architecture is managed via Oregon Ready, a coalition dedicated to protecting, defending, and advancing immigrant rights in Oregon through collaboration across disciplines. Oregon Ready's collaborative partners include legal service providers, social service organizations, grassroots organizations, labor unions, faith groups, rapid response teams, and experts in policy and litigation. Collaboration is a key principle in the Rights Archi-

<sup>32</sup> <https://innovationlawlab.org/rights-architecture/>

<sup>33</sup> Oregon Ready is supported by three staff as part of the Immigrant Inclusion Plan: A coordinator and policy director (housed at Causa) and a rights attorney (housed at Innovation Law Lab). The Immigrant Inclusion Plan is supported through the private philanthropy of the Oregon Immigration Funders Collaborative.

architecture's design. For example, organizations working within the Rights Architecture are supported by a coordinator, a policy director, and a rights attorney.<sup>33</sup>

The Equity Corps builds on the Rights Architecture. It completes Zone 4's Immigrant Defense plan by incorporating public funding along with the private bar, non-governmental organization representation, and pro bono rep-

resentation. With all four components, gaps in defense are eliminated. The Equity Corps ties together Zones 1, 2, and 4 by building in community navigators. Community navigators sit within organizations working directly in the field with impacted populations and provide front-line screening and referrals into the organizations engaged with deportation defense at Zone 4 of the architecture. With its model, the Equity Corps creates capacity systemwide.



# The Equity Corps in a nutshell

After a lengthy study that included nationwide site visits, interviews, and data analysis with representation projects around the country, including several in comparable sanctuary jurisdictions, participating organizations in the Universal Representation Committee of Oregon Ready proposed a model called the Equity Corps of Oregon.<sup>34</sup>

The committee's goals were to create a model that was collaborative, dedicated to immigrant defense, created capacity systemwide for inclusion, was not dependent for referrals on the federal deportation system, integrated with the Rights Architecture, and scaled dynamically. The Equity Corps of Oregon incorporates each of these goals.

The Equity Corps uses an innovative, proven, highly-successful model called Massive Collaborative Representation.<sup>35</sup> Massive Collaborative Representation anchors representation quality at the highest professional level, reduces costs through innovation scaling supported by technology, and builds a counter-structure that supports positive rule of law norms throughout an entire jurisdiction.

## Scale.

The Equity Corps of Oregon scales dynamically. It will take approximately three years for the system to scale to universality. It uses a central funding unit, the Equity Corps Attorney, that creates system-wide funding and support. An Equity Corp Fellowship includes five funding packages: (a) salary

for a direct services attorney, (b) a non-profit hosting services, (c) clearinghouse support services, (d) community navigator services and (e) a case fund.



<sup>34</sup> The coalition organized itself as the Universal Representation Committee of Oregon Ready. Coordination, policy analysis, and legal analysis were supported through the Rights Architecture's Immigrant Inclusion Plan. Early analysis of representational models was provided through Innovation Law Lab's national work and experience designing and building some of the nation's largest immigrant defense projects. A representative compilation of the committee's work appears in the Appendix.

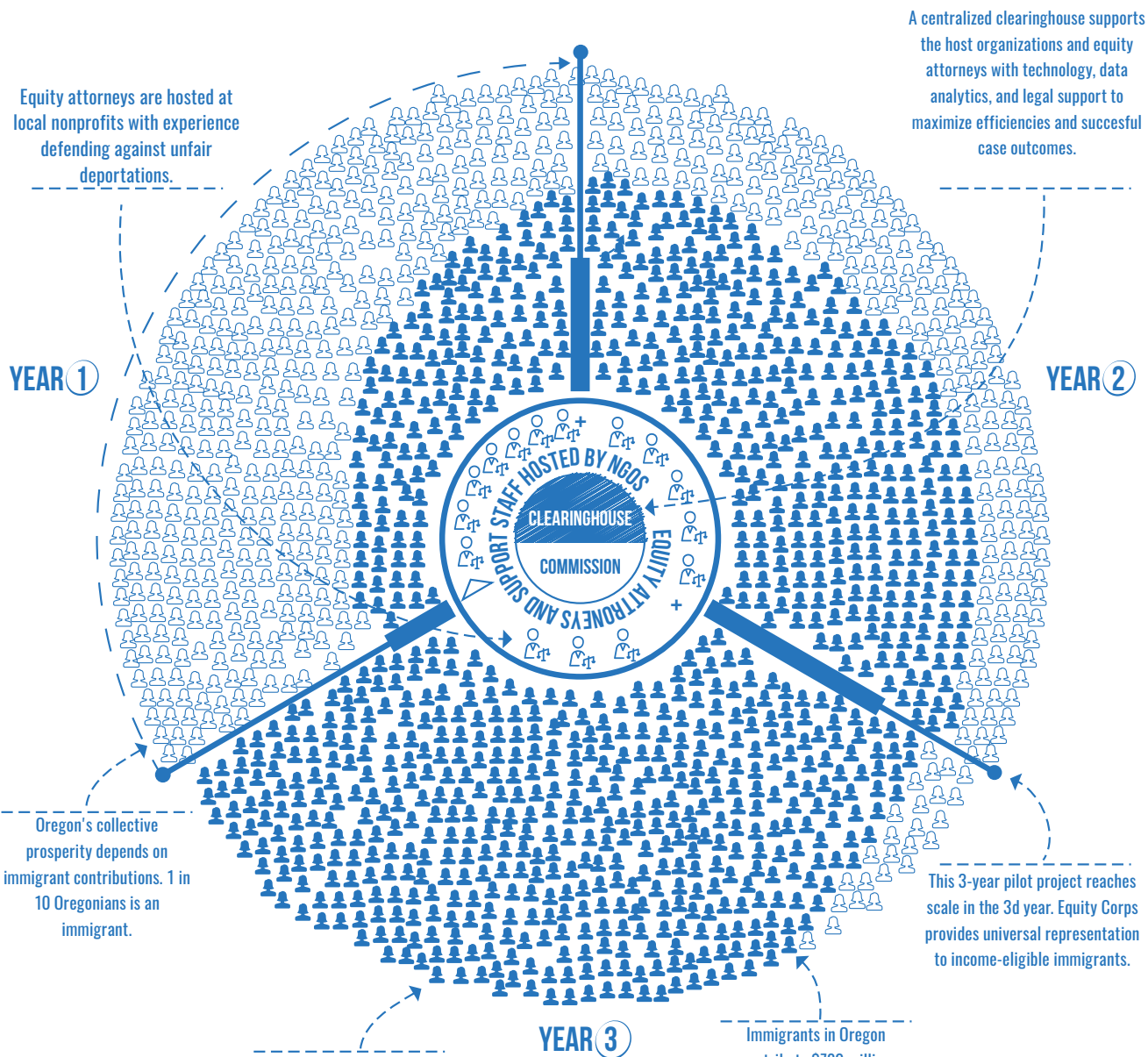
<sup>35</sup> Stephen Manning & Kari Hong, Getting it Righted: Access to Counsel in Rapid Removals, 101 Marquette Law Review 674, 678 (forthcoming 2018); Boston College Law School Legal Studies Research Paper No. 472 (revised March 8, 2018) available at: <https://ssrn.com/abstract=3136269> (describing pro bono attorney representation project); Innovation Law Lab, Impact Report, <https://innovationlawlab.org/blog/2018/03/29/impact-report-building-the-resistance/> (describing massive collaborative representation model and success rates); SPLC launches pro bono project to ensure detained immigrants have access to counsel (March 2017) (describing SIFI: Southeast Immigrant Freedom Initiative), <https://www.splcenter.org/news/2017/03/07/splc-launches-pro-bono-project-ensure-detained-immigrants-have-access-counsel>





Organizations that demonstrate financial competence, ability to mentor and manage an attorney, experience with removal defense and immigrant defense, and are nonprofits under Oregon law are eligible. The Hosting package includes funding for associated overhead costs and technical support. The Clearinghouse package includes funding for technolo-

gy, legal, tactical and strategic case support, and access to local and national expert and forensic systems. The Navigator package includes funding for community based organizations to engage in outreach and intake. The Case fund provides managed funds for individual case expenses. The case fund uses a tiered approach that efficiently manages costs for cases.

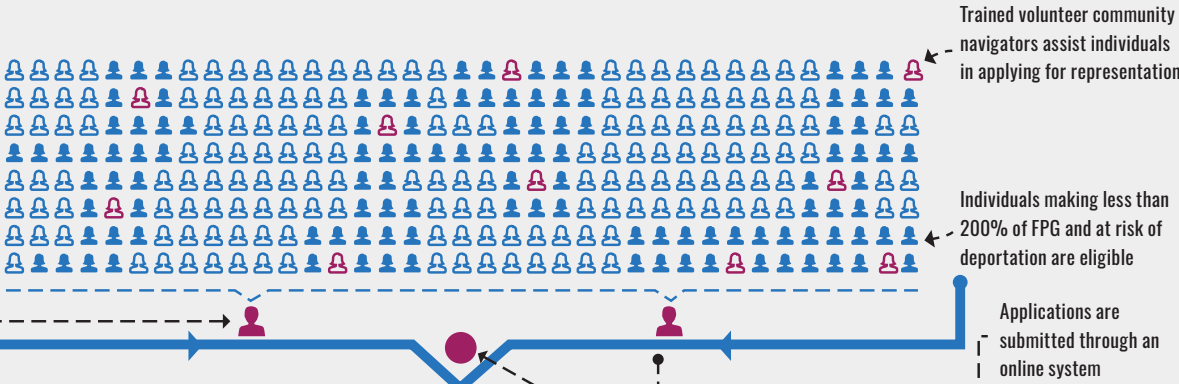


The scale of the system is controlled by adding or subtracting the number of direct service attorneys.<sup>36</sup> As an attorney is added (or subtracted), all of the support services scale to keep the inputs, throughputs, and outputs in sync. Likewise, the system can organically scale down in relation to need as progress towards permanent immigrant inclusion is achieved.

The Equity Corps of Oregon process is designed to maximize resources for individuals at imminent risk of deportation and build capacity system-wide. It integrates pro bono representation and community-based organizations directly into the model.

<sup>36</sup> The Equity Corps of Oregon model requires a minimum of five funded fellowships to operate.

# NAVIGATE



# SCREEN

Individuals who are not eligible are provided referrals by navigators



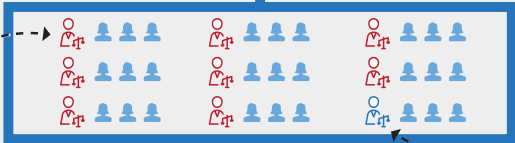
# SORT + SUPPORT

All eligible individuals are pooled in a cohort. Non-priority cases are ranked, flagged and supported through a Pro-Se Support attorney until prioritized



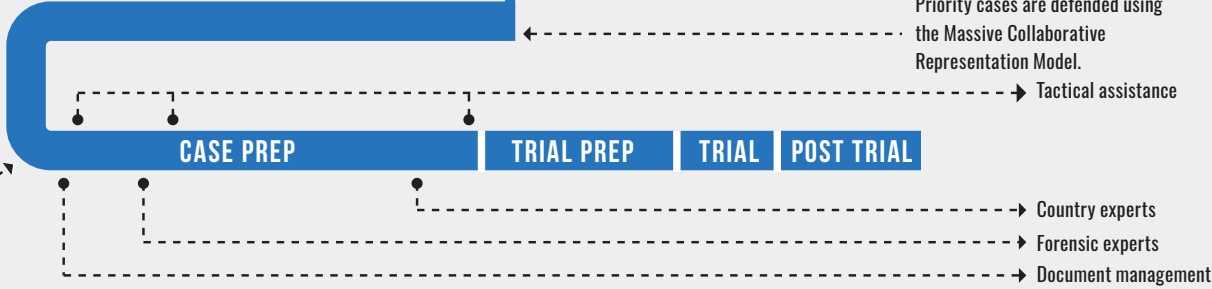
# PLACE

Priority cases are assigned based on complexity and capacity



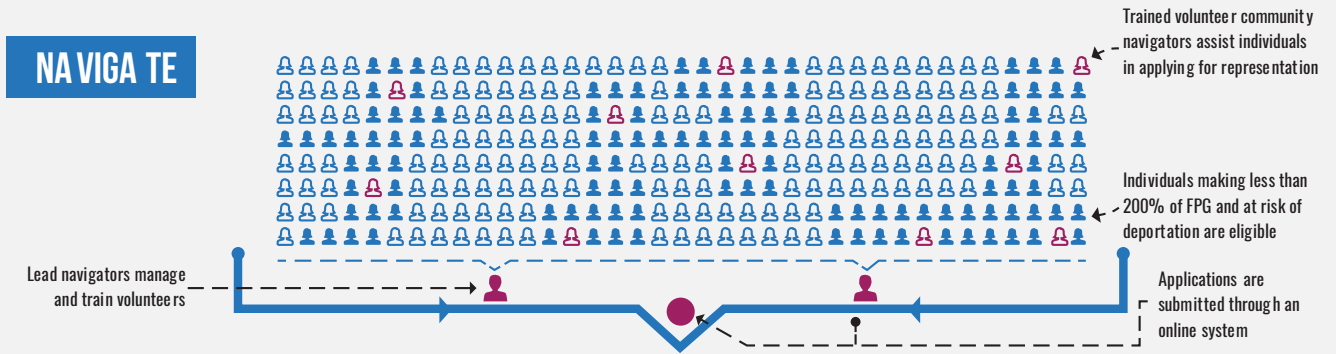
# DEFEND

Clearinghouse support enforces strategic, tactical, and data efficiencies across project



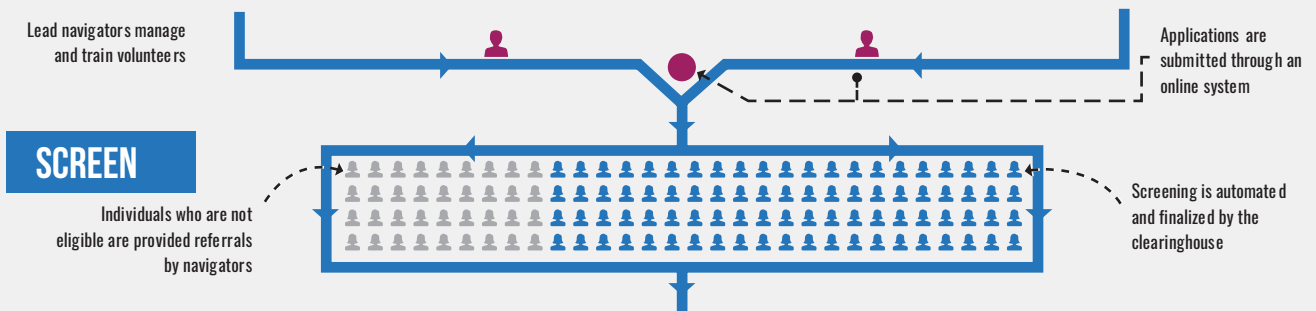
# Navigate

Navigators conduct public workshops, community education, and provide assistance in knowing rights. Navigators assist in making online applications for representation. Navigators build & steward community relationships.



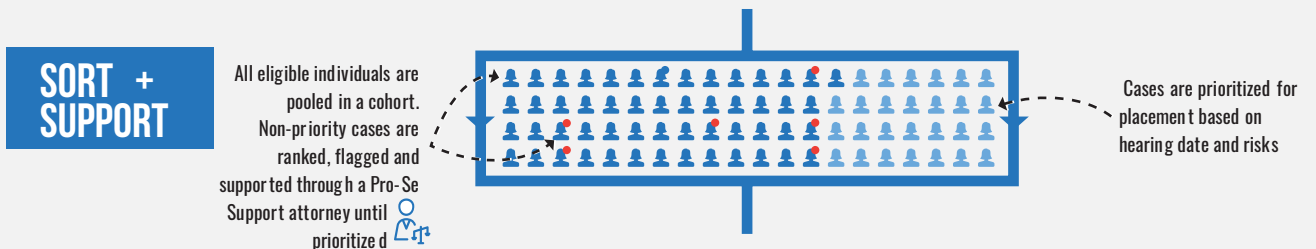
Clearinghouse software automates the screening process. Individuals are ineligible if (a) earn more than 200% FPG, (b) have no connection with Oregon, (c) are eligible for service through other similar program (e.g., trafficking victims). Ineligibilities will be verified by a Clearinghouse expert. Navigators close the relationship by providing seamless referrals. Eligible individuals are added to the case pool.

# Screen



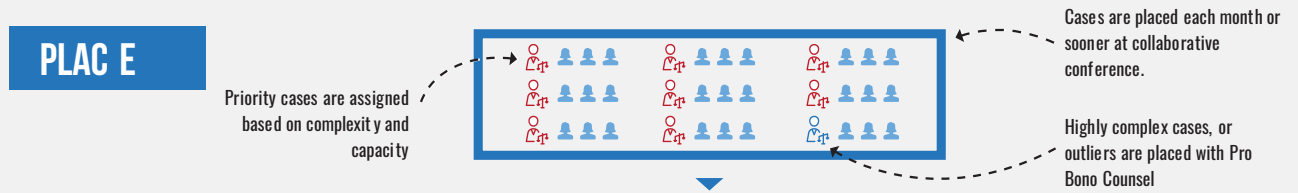
Clearinghouse software automates the sorting process. All eligible cases are ranked on a complexity scale and prioritized. A priority case is one where risk of deportation is imminent. Non-priority cases are flagged for critical path dates, such as 1-yr asylum deadlines. Non-priority cases are supported through Pro Se support systems until a hearing date advances.

# Sort and Support



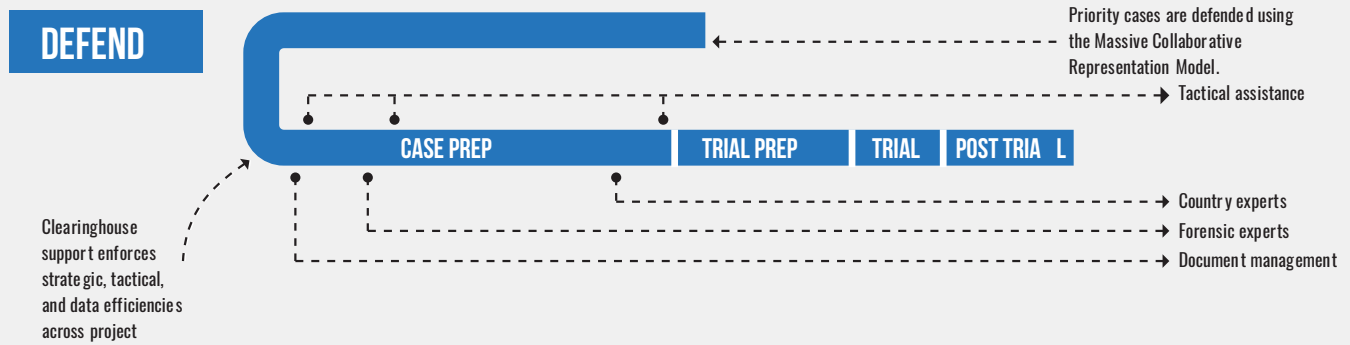
# Place

All attorneys participate in periodic collaborative conferences where case placement decisions are made. Attorneys are queued in a random order and priority cases are assigned with due consideration given to the complexity ranking. Caseloads are capped per attorney. All priority cases are placed until capacity is exhausted. Outlier cases are placed with pro bono partners who participate in the collaborative conference.



Using Massive Collaborative Representation, attorneys defend individuals to prevent deportation and to obtain stable immigration status.

# Defend



The model uses case load caps to maintain the highest quality representation and throughput estimates to provide scale. At any one time, an attorney's case docket would be capped at a pre-defined number of cases. As a case cycles off, a new case is cycled in. At scale, the model

supports attorneys in successfully managing numerous cases each year. Cases that are exceedingly complex or outliers would go into a managed queue for pro bono placement with participating Oregon law firms.

# Appendix

## Universal Representation Committee of Oregon Ready

**Goal:** To create a model that was collaborative, dedicated to immigrant defense, created capacity systemwide for inclusion, was independent of the federal deportation system, integrated with the Rights Architecture, and scaled dynamically.

### Participants

- Catholic Charities Immigration Legal Services
- Catholic Charities of Oregon
- Causa Oregon
- Eccumenical Ministries of Oregon
- Immigrant Defense Oregon (Metropolitan Public Defender)
- Immigration Counseling Service
- Innovation Law Lab
- Lewis and Clark Law School
- SOAR Immigration Legal Services (Eccumenical Ministries of Oregon)

### Committee Meetings

- November 10, 2017
- November 28, 2017
- December 6, 2017
- December 12, 2017
- January 5, 2018
- January 18, 2018
- February 6, 2018
- March 21, 2018

### Site Visits

- San Francisco's Attorney of the Day Program (Jan 2017)
- New York Immigrant Family Unity Project (Nov 2017)
- Immigrant Justice Corp, New York City (Dec 2017)

- New York Immigrant Family Unity Project (Dec 2017)
- Houston Immigration Legal Services Collaborative (Feb 2018)

### Interviews

- LA Justice Fund (recipient) - Dec 2017
- LA Justice Fund (recipient) - Jan 2018
- LA Justice Fund (recipient) - Jan 2018
- Immigrant Justice Corps (executive team) - Jan 2018
- Seattle-King County Immigrant Legal Defense Network (recipient) - Dec 2017
- Seattle-King County Immigrant Legal Defense Network (Seattle Office of Immigrant and Refugee Affairs) - Dec 2017
- Chicago Legal Protection Fund (Recipient) - Mar 2018

### Sources

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- NY Criminal Justice Services, Funding Summary for the County New York (Dec. 2016)
- NIJC, Legal Protection Fund Advances Immigration Protections for Chicago Residents (Oct. 2017)
- Washington DC Mayor's Office, FY18 Immigrant Justice Legal Services, Request for Applications (Aug 2017)
- Washington DC Mayor's Office, Mayor Browser's Immigrant Justice Legal Services Grants (late 2017)
- Ca. Coalition for Universal Representation, California's Due Process Crisis: Access to Legal Counsel for Detained Immigrants (June 2016)
- City of Santa Ana, SAFE Cities Network Re-grant, Request for Proposals (Aug 2017)
- King County, Office of Immigrant and Refugee Affairs, Immigrant Legal Defense and Community Navigation RFP Q&A (June 2017)
- City of Tacoma Resolution No. 39849, Creation of a Deportation Defense Subfund (Oct. 24, 2017)
- Silicon Valley Community Foundation, Requests for Proposals, Immigration: Ensuring the Safety and Security of Immigrants (May 2017)
- City and County of San Francisco, Office of Civic Engagement & Immigrant Affairs, Request for Proposals: Immigrant Assistance Programs Grants (March 2016)
- City of Santa Ana, Approval of an Appropriation Adjustment for an Immigration Legal Defense Fund (June 2017) (Vera Letter of Intent)
- Ca. Community Fund, LA Justice Fund, Request for Proposals webinar, (July 15, 2017)
- Ca. Community Fund, LA Justice Fund, Request for Proposals application (May 2017)
- Vera Institute of Justice, SAFE Cities Network Launches: 11 Communities United to Provide Public Defense to Immigrants Facing Deportation (Nov. 9, 2017)
- Weingart Foundation, \$7.4 Million Awarded to 17 Legal Nonprofit Organizations to Provide Free Legal Representation (Nov. 2017)
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- CIRI, Community Navigator Training Module 1: Background & Introduction to Community Navigators