



February 8, 2022

Chair Prozanski, Vice Chair Thatcher, & Members of the Committee:

My name is Stephen W Manning. I am an attorney in Oregon and the Executive Director of Innovation Law Lab, a nationally-recognized nonprofit based in Oregon that leverages law, technology and organizing to advance immigrant and refugee rights. I write to express support for SB1543 on behalf of our organization. Universal Representation is needed in Oregon because our collective prosperity depends on it.<sup>1</sup>

I support SB1543 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).

<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/#.Wxf9d6kh2L1](https://oregonencyclopedia.org/articles/bracero_program/#.Wxf9d6kh2L1); 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).