

DEFEND EVERYONE:

CREATING THE EQUITY CORPS OF OREGON TO PROVIDE UNIVERSAL REPRESENTATION

STEPHEN W MANNING, LELAND BAXTER-NEAL, LINDSAY JONASSON,
JULIET STUMPF, VICTORIA BEJARANO MUIRHEAD.

APRIL 2018

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

Authors: Stephen W. Manning, Leland Baxter-Neal, Lindsay Jonasson, Juliet Stumpf, Victoria Bejarano Muirhead

Design: Jose Cruz, Innovation Law Lab

April 2018, Portland, Oregon

Acknowledgments

The Defend the Rule of Law for Everyone report would not have been possible without the contributions of many individuals and organizations including the Universal Representation Committee of Oregon Ready, Causa, Catholic Charities of Oregon's Immigration Legal Services, Immigrant Defense Oregon of Metropolitan Public Defenders, Immigration Counseling Service, Innovation Law Lab, Transformative Immigration Law Class at Lewis & Clark Law School, and Sponsors Organized to Assist Refugees of Ecumenical Ministries of Oregon.

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

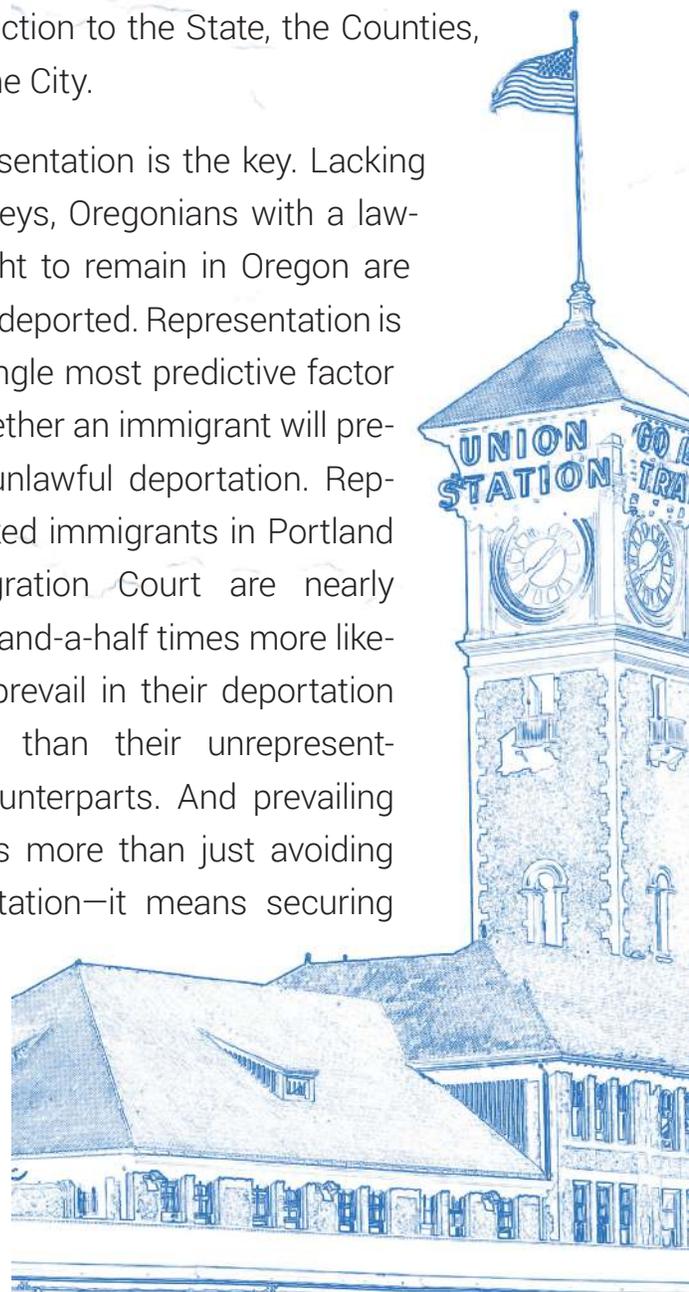
The most powerful way to fulfill the promise of inclusion and sanctuary, and further our collective prosperity, is to join—and lead through an innovative, comprehensive plan—the movement of cities and states that are establishing equitable access to justice for immigrant residents. Through the Equity 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.¹ One in ten Oregon residents is an immigrant, totaling almost 400,000 foreign-born Oregonians.²

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.³

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 2014.⁴

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.⁵ 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.⁶ 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.⁷ Further, unrepresented immigrants rarely even fight their cases because

¹See, 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.

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

³Id.

⁴Id.

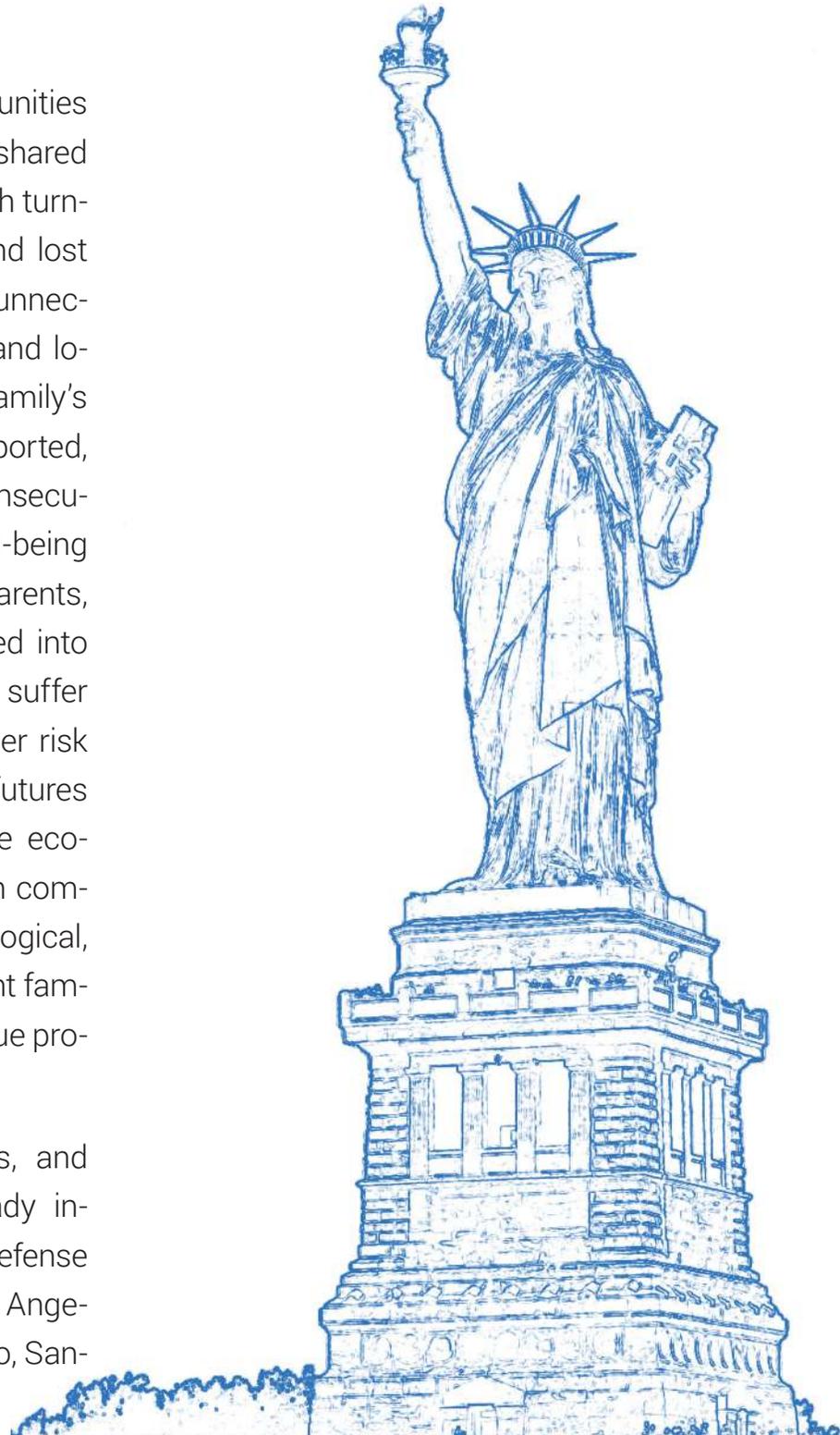
⁵Transactional Records Access Clearinghouse (TRAC), "Individuals in Immigration Court by Their Address," <http://trac.syr.edu/phptools/immigration/addressrep/> (last visited March 28, 2018).

the system is set up to fail them.⁸ 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.⁹ 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.



⁶ 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.

⁷ *Id.*

⁸ 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.

⁹ 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.

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."¹⁰ This resolution, more than anything, "reaffirm[ed] the City's commitment to continuing its sanctuary policies and la[id] out plans to strengthen them[.]"¹¹

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-



¹⁰ City of Portland Resolution 37277, March 22, 2017.

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

¹² 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.¹² A few days later, mass deportation sweeps were unleashed in Portland.¹³

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.¹⁴



¹³ 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; 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>.

¹⁴ 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.¹⁵ The Equity Corps "strengthen[s] outreach, public engagement, and access to City services for communities of color and immigrant and refugee communities[.]"¹⁶ 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.¹⁷ The federal policy is plain: white people are welcome. People of color are not.¹⁸ 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.

¹⁵ City of Portland, Office of Equity & Human Rights, Citywide Racial Equity Goals & Strategies.

¹⁶ Id.

¹⁷ 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).

¹⁸ 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.¹⁹

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."²⁰ Business in Woodburn fell 80%.²¹ "The economic and fiscal harm from mass deportation is severe."²²

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.²³ Immigrants in Portland "are currently punching above their weight class as entrepreneurs."²⁴ And, as workers contributing to our collective prosperity, immigrants "punched above their weight class as workers in the state as well."²⁵ Immigrants make up nearly 13% of all employed Oregonians, despite being only 9.8% of the population.²⁶

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

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

²¹ *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.").

²² 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).

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

²⁴ *Id.*

²⁵ *Id.* at 7.

²⁶ *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.²⁷ These harms negatively affect children's attendance and performance in school.²⁸ 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.²⁹

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[.]”³⁰ 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.³¹

²⁷ 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/>.

²⁸ 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>.

²⁹ 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.

³⁰ 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>.

³¹ 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.

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.³² 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-

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

³³ 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.³³

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.³⁴

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.³⁵ 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.



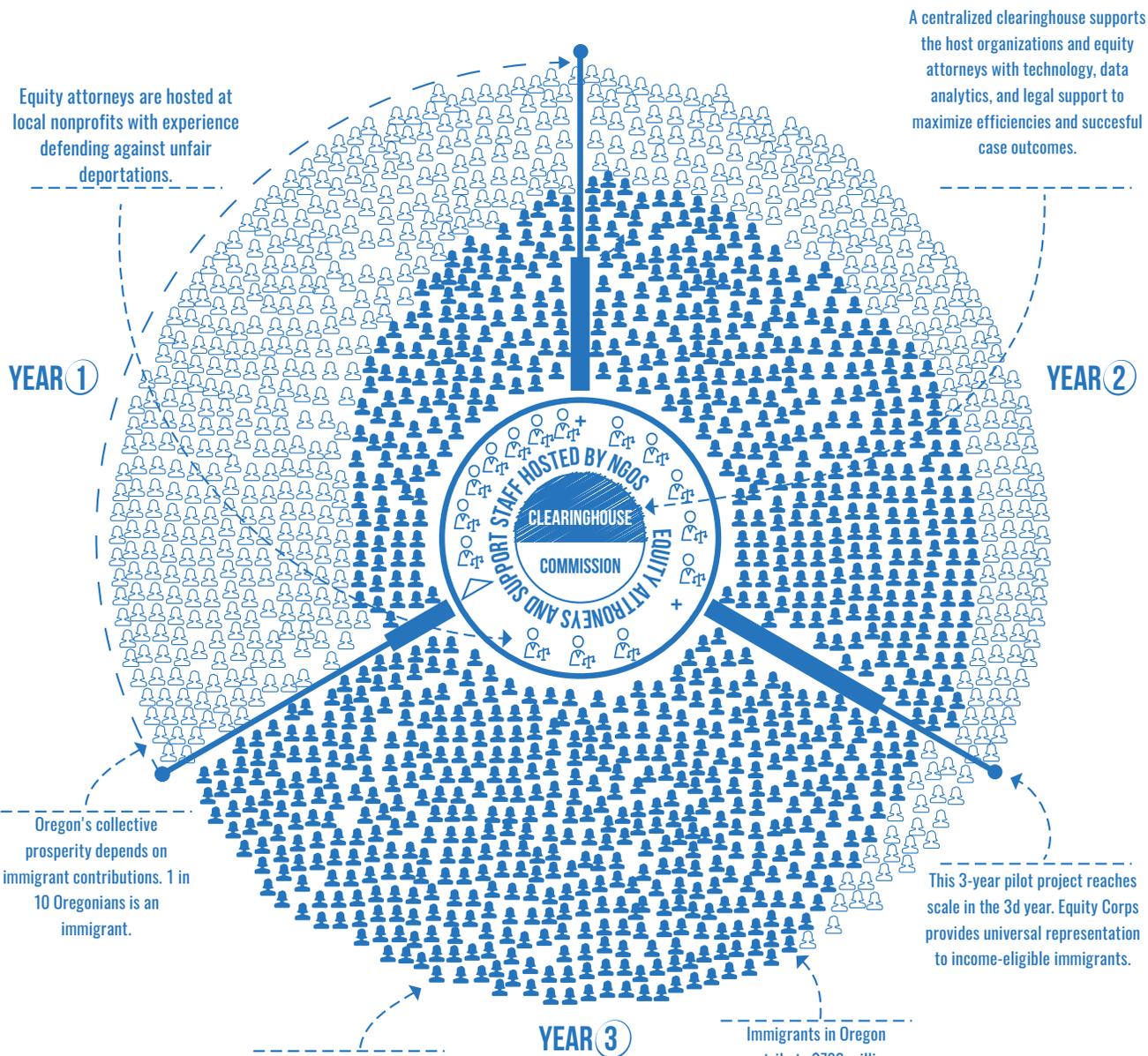
³⁴ The coalition organized itself as the Universal Representation Committee of Oregon Ready. Coordination, policy analysis, and legal analysis were supported through the Rights Architecture's Immigrant Inclusion Plan. Early analysis of representational models was provided through Innovation Law Lab's 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.

³⁵ 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.

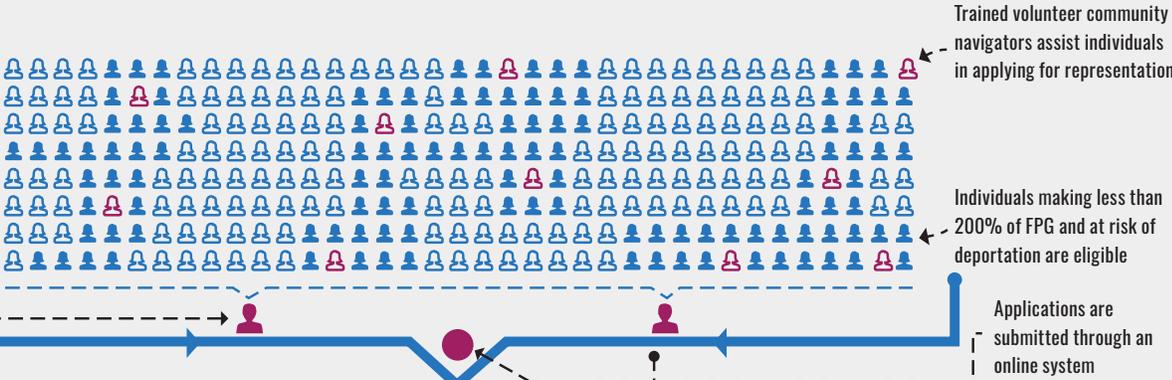


The scale of the system is controlled by adding or subtracting the number of direct service attorneys.³⁶ As an attorney is added (or subtracted), all of the support services scale to keep the inputs, throughputs, and outputs in sync. Likewise, the system can organically scale down in relation to need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

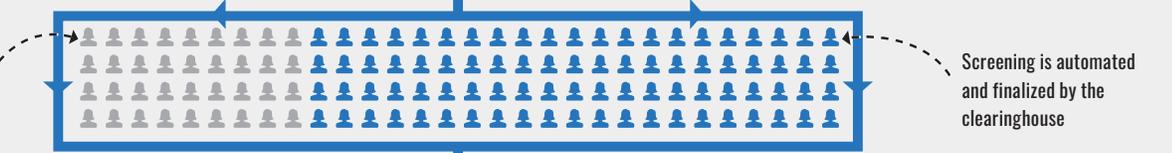
The Equity Corps of Oregon process is designed to maximize resources for individuals at imminent risk of deportation and build capacity system-wide. It integrates pro bono representation and community-based organizations directly into the model.

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

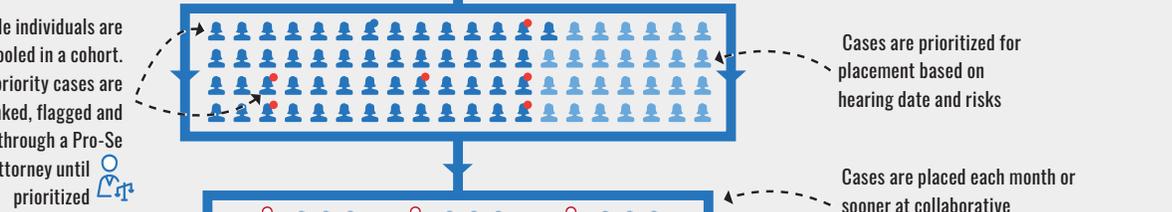
NAVIGATE



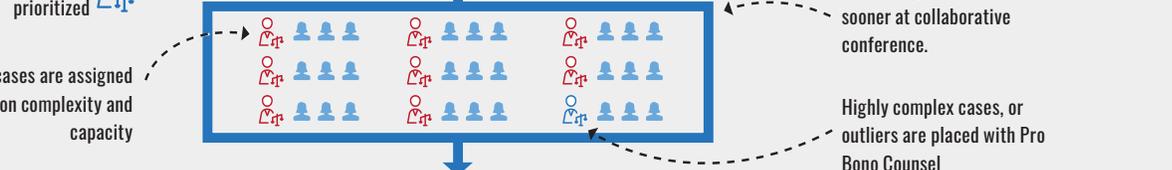
SCREEN



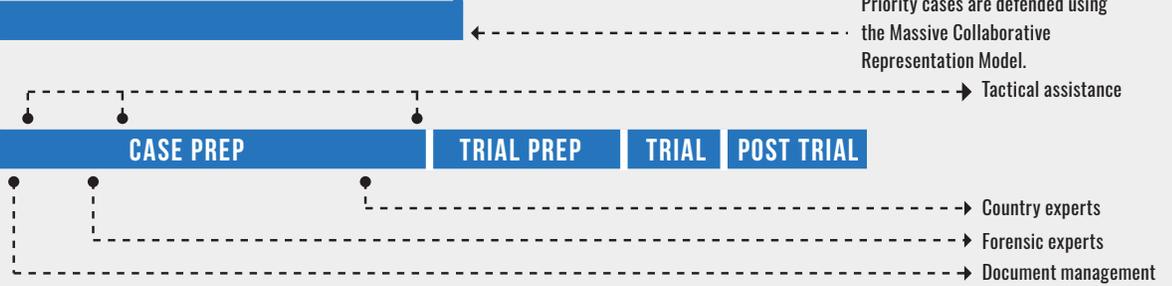
SORT + SUPPORT



PLACE

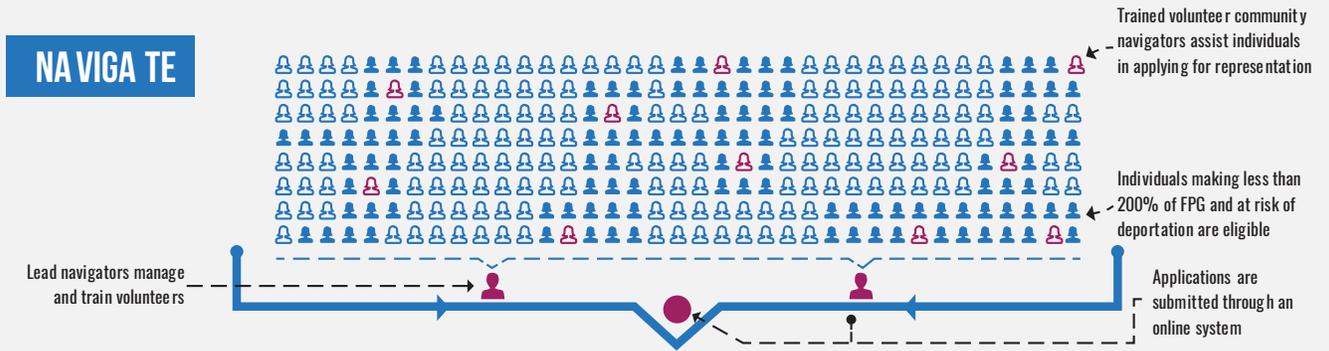


DEFEND



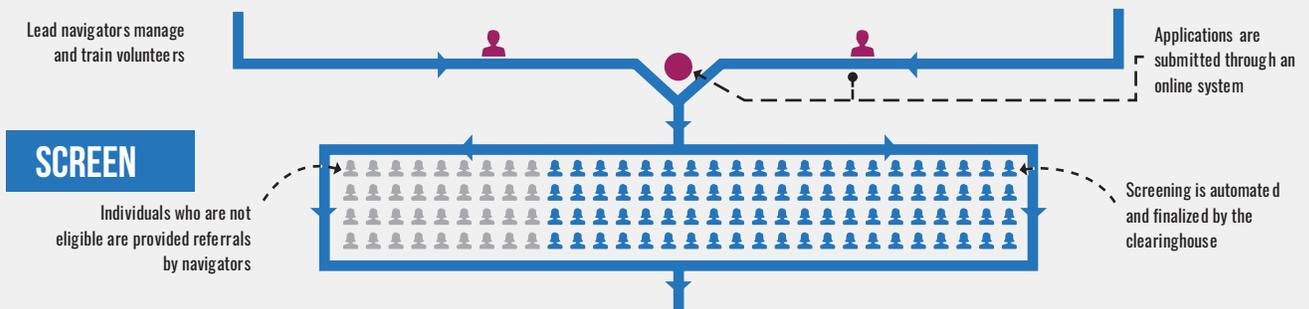
Navigate

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.



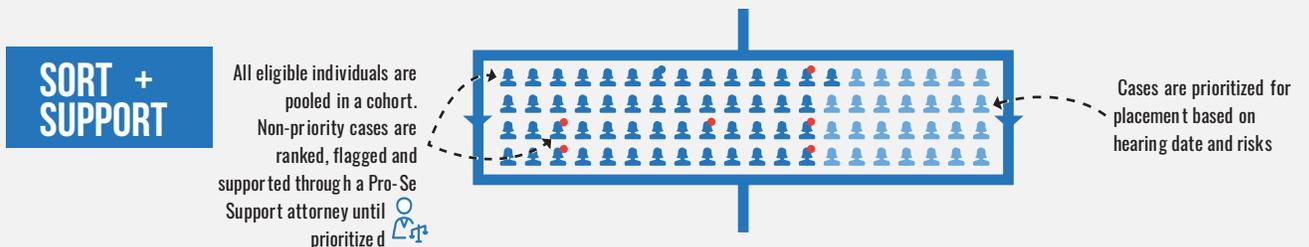
Clearinghouse software automates the screening process. Individuals are ineligible if (a) earn more than 200% FPG, (b) have no connection with Oregon, (c) are eligible for service through other similar program (e.g., trafficking victims). Ineligibilities will be verified by a Clearinghouse expert. Navigators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

Screen



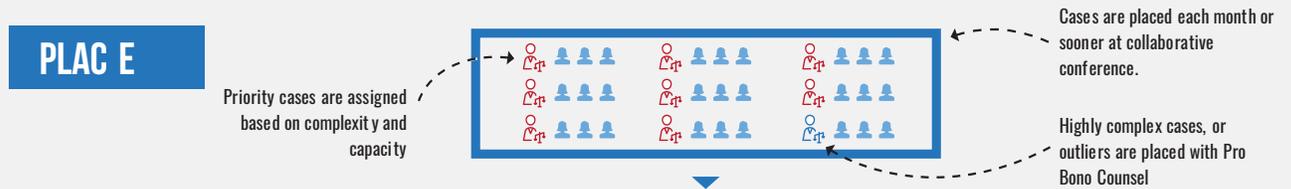
Clearinghouse software automates the sorting process. All eligible cases are ranked on a complexity scale and prioritized. A priority case is one where risk of deportation is imminent. Non-priority cases are flagged for critical path dates, such as 1-yr asylum deadlines. Non-priority cases are supported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

Sort and Support



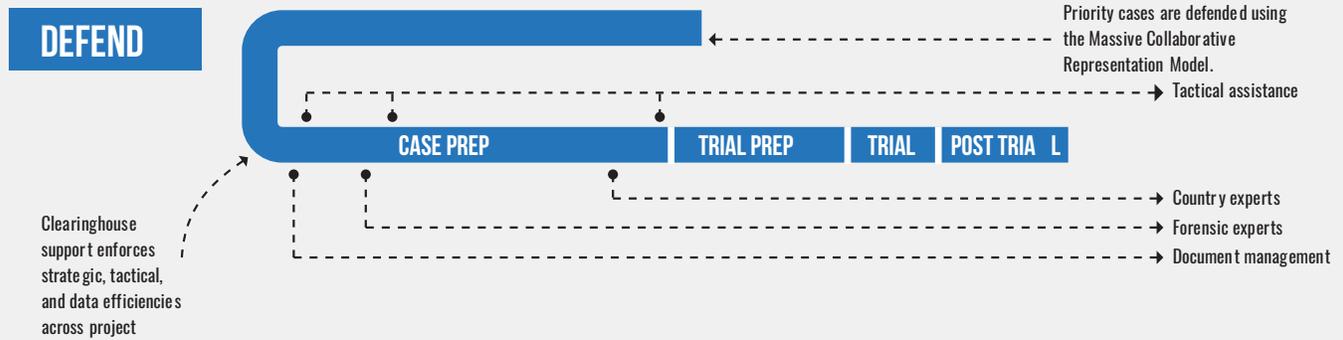
Place

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

- NYIC, A Budget for the City of Immigrants (May 2016)
- NYIC, Blueprint for Immigrant New York (Nov. 2017)
- Vera, Evaluation of the New York Immigrant Family Unity Project (Nov. 2017)
- 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 (Oct. 2013)
- NY Immigrant Representation Study, Accessing

Justice: The Availability and Adequacy of Counsel in Immigration Proceedings (Dec. 2011)

- NY Immigrant Representation Study Group, NY Immigrant Representation Study: Accessing Justice II: A Model for Providing Counsel to NY Immigrants in Removal Proceedings (Dec 2012)
- NILC, Blazing a Trail: The Fight for Right to Counsel in Detention and Beyond (March 2016)
- NYIC, No Safe Harbor: Challenges in Obtaining Immigration Legal Services in New York State (Feb. 2017)
- City & County of San Francisco, Policy Analysis Report, Expansion of Legal Services for Immigrants in Other Cities (Feb 2017)
- NYC Council. Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor's Management Reports (March 2016)
- 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)
- Human Resources Working Group, Administrative Relief, Scaling Immigration Legal Services Up to Meet the Challenge (2016)
- CIRI, Community Navigator Training Module 1: Background & Introduction to Community Navigators