



# DEFENDING EVERYONE

*How Innovative Universal Representation  
Invests in Our Collective Prosperity*

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**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).

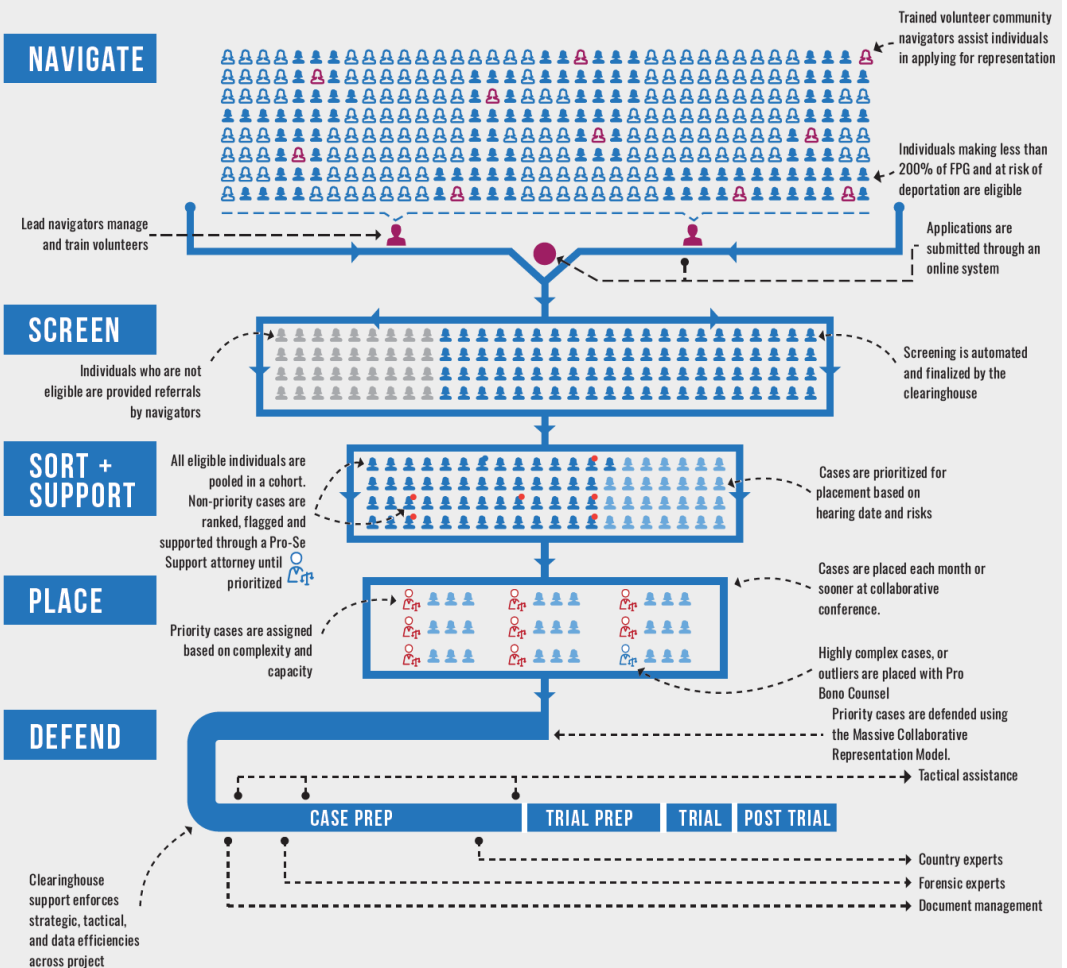
In Oregon, there are many diligent and dedicated nonprofit immigration legal service providers – yet prior to ECO, these legal service providers did not provide free legal representation before the Portland Immigration Court. The demand for free legal representation in Oregon has thus far exceeded capacity. 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.



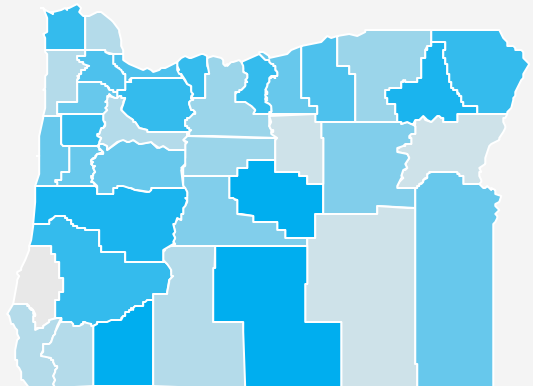
# ECO In Action

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.