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SOAR Immigration Legal Serves Hundreds Through Unique Client-Focused Model

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This month, CLINIC is spotlighting Affiliate SOAR Immigration Legal Services for the innovative and exceptionally successful limited-scope service delivery model it uses to assist noncitizens in removal proceedings. SOAR's journey of navigating the ethical and logistical challenges of building capacity to meet the need for removal defense will certainly resonate with many service providers. We hope SOAR's successful implementation of its Prosecutorial Discretion and Motions to Terminate initiative inspires others to apply unique perspectives and ideas to their services.

About SOAR

SOAR Immigration Legal Services is a program of Ecumenical Ministries of Oregon and an affiliate of Church World Service, the Catholic Legal Immigration Network, Inc. (CLINIC), and the New Americans Campaign, an Immigrant Legal Resource Center program. SOAR is recognized by the Department of Justice and has been providing culturally competent immigration-related legal representation and education since 1992 to low-income immigrants in Oregon and southwest Washington. SOAR Immigration Legal serves more than 2,500 low-income immigrants each year from more than 80 different countries. The top countries of origin for SOAR's clients include Mexico, Cuba, Afghanistan, Haiti, and Ukraine. SOAR's dedicated staff speak 15 languages, pride themselves on accessibility to the community, and are committed to notario fraud prevention.

SOAR's programs include the New Americans Initiative (a comprehensive citizenship program), the Cuban Haitian Assistance Project, the Afghan Legal Project, the Ukraine Legal Project, and the General Immigration Legal Services program, which includes humanitarian and family-based immigration services, including removal defense, asylum,

and DACA. SOAR's newest removal defense initiative focuses on securing dismissal for noncitizens in removal through requests for prosecutorial discretion or motions to terminate.

SOAR's Prosecutorial Discretion and Motions to Terminate Initiative

Among the many services SOAR offers, its Prosecutorial Discretion and Motions to Terminate (PD/MTT) initiative stands out for its success in addressing the burgeoning need for assistance to noncitizens in removal proceedings. Through this initiative, SOAR's removal defense practitioners identify candidates for termination or dismissal, provide limited-appearance document assistance or short-term limited-scope representation, and work with ICE's Office of Principal Legal Advisor (OPLA) to negotiate dismissal or non-opposition to termination. In less than two years since the PD/MTT initiative's creation, SOAR has achieved termination or dismissal in over 400 immigration cases. Due to its overwhelming success, SOAR now offers removal defense services almost exclusively through this model.

When asked why SOAR decided to focus its removal defense resources on the PD/MTT initiative, program director Caroline van der Harten explained that the calculated decision to pivot their removal defense model factored in considerations of volume, scale, and efficiency, but it was ultimately a decision rooted in the needs of SOAR's clients and staff. Commenting on the volume and demand for services, van der Harten remarked:

"Our SOAR offices in Oregon receive over 100 calls every day from immigrants seeking immigration representation. Over 25 percent of those calls are from people in removal proceedings. We found that many of them meet the Doyle Criteria for Prosecutorial Discretion or have remedies before USCIS. After being educated on the immigration system and learning of the opportunity to move one's case forward with USCIS rather than the immigration court, immigrants in removal proceedings

have expressed an overwhelming demand for termination or dismissal of their proceedings."

Van der Harten credits the innovative approach largely to staff attorney Arnav Dutt, who joined SOAR in 2021 to provide removal defense services. Before working at SOAR, Dutt worked for four years as a trial-level public defender in Minnesota. As a public defender, Dutt had a reputation as a creative and effective negotiator. When Dutt was hired, SOAR was offering removal defense representation through a more traditional, full-scope representation model. But it was not long before his experience and skills gave rise to the idea of shaking up the traditional removal defense model.

Dutt and van der Harten both noticed that SOAR's ability to scale services in the full-representation setting was hampered by the immigration court backlog and rapidly changing law and policy. SOAR's removal defense clientele at the time included several Cuban clients, and SOAR was heavily engaged in advancing complex legal arguments, such as advocating that their clients be considered paroled by operation of law. As they trudged forward, they faced the realization that SOAR was not able to adequately address their community's need for assistance to noncitizens in removal proceedings, and they turned to Dutt's experience and negotiation skills to develop SOAR's MTT/PD initiative.

Implementing the new service delivery model has been as beneficial to SOAR's staff as it has been to the community members it serves. SOAR wanted to avoid staff burnout from turning away prospective clients in removal proceedings due to capacity reasons or from the high denial rates in immigration court. As a result of the MTT/PD initiative, staff are invigorated by the success and impact they are making. What's more, the model allows removal defense practitioners to exercise the full range of their advocacy skills. When asked about the benefits of the initiative, Dutt explained, "The attorney role isn't just about defending people in proceedings. It's about tracking trends to learn in which cases removal proceedings can be terminated or dismissed before merits preparation needs to begin,

and then to educate clients about the court and our system so that they understand and are empowered to choose how they wish to proceed."

The model also further strengthens the collaborative nature of SOAR's relationship with OPLA. "We have been working together with OPLA to see where the sweet spots are, where they'll actually be open to requests for prosecutorial discretion," explained van der Harten. "We're meeting them where they are and saying: 'We know you're overwhelmed; how do we make everyone's lives easier?'"

"In our PD/MTT model, there's an emphasis on working with prosecutors to explore options, identify real issues, and avoid unnecessary conflicts and hearings," commented Dutt. "Reputation is everything. We disagree and negotiate all the time, but do not take it personally when this happens or run up the score when we win." Because of the trust they have built with OPLA, SOAR has even been able to approach OPLA with bundled groups of prosecutorial discretion requests with similar facts to expedite the processing of the requests.

In all, SOAR counts the PD/MTT initiative as an enormous success for their clients, their staff, and the program broadly.

The Impact of Limited Scope

Data on immigration court representation backs up SOAR's intuition that the PD/MTT project would be a powerful alternative to full-scale removal-defense representation where resources to meet the need were lacking. [Data show that cases are pending](#) for an average of approximately 1.5 years in the Portland immigration court. A [recent American](#)

[Immigration Lawyers Association survey](#) of immigration practitioners studying the time commitments for defensive representation in asylum cases found that “even a relatively straightforward asylum case takes 50 to 75 hours.” That means that even if a practitioner has no other duties and spends all their time preparing asylum cases (which is exceedingly uncommon), they could only prepare about 30 cases per year.

Practitioners are also confronted with the harsh reality that most applications for relief in immigration court are denied. In 2021, when SOAR decided to change its model, for example, the Portland immigration court [denied about 82 percent of asylum cases](#). That means that the removal defense practitioner spending all their time on asylum preparation would likely only win about five or six cases per year, while the other cases would require significant additional resources to appeal or to file motions to reopen.

Limited-scope representation for prosecutorial discretion and motions to terminate allow SOAR to focus on the most urgent need: protecting their clients from imminent removal. When resources permit, SOAR’s other projects allow it to assist with affirmative remedies before USCIS or to make referrals to other organizations.

Ethical Service Delivery

The American Bar Association (ABA) [praises limited-scope representation](#) for its ability to make services affordable and accessible. But the ABA Model Rules of Professional Conduct provide that limiting the scope of representation must be reasonable under the circumstances and require that the client give informed consent.

To ensure ethical representation while managing a high volume of limited-scope cases, SOAR integrated information sessions, informational handouts, and limited-scope services agreements into its new service delivery model. When initiating representation under the PD/MTT initiative, SOAR conducts an information session for all noncitizens requesting assistance. During the session, prospective clients receive a two-sided informational handout reiterating the content of the information session, which informs participants of the consequences of dismissal or termination and what their options may be after their case is terminated. Through these sessions and their service agreements, SOAR's staff is careful to communicate that their practitioners will not be appearing in court and that their assistance is limited to the preparation and submission of the request for prosecutorial discretion or the motion to terminate.

Funding the Initiative

Currently, clients of the MTT/PD initiative pay a nominal fee for the limited-scope service but van der Harten ultimately hopes to be able to scale the project and offer services free of cost.

Nonprofit immigration legal services providers often develop projects that align with available funding instead of establishing case acceptance priorities that determine whether a funding opportunity is an appropriate fit for their prospective clients, mission, and culture. Sustaining a nonprofit immigration program amidst the ever-changing political winds and the provocative nature of the subject is arduous, so unfortunately it is no wonder available funding often shapes case acceptance. Though providers seek trust-based philanthropy that allows them to innovate in response to real-time changes in the immigration legal landscape, this sort of philanthropy is often hard to find.

Van der Harten believed so strongly in the potential advantages of the MTT/PD initiative on SOAR's clients and staff, however, that she took an enormous risk in 2023 when she turned down funding for traditional removal defense to focus on it. When asked about how she made the difficult decision to turn down funding, van der Harten remarked: "SOAR has been providing culturally competent immigration representation for over 30 years. Having attorneys and accredited representatives on staff who practiced immigration law for more than a decade, we are very conscious of how immigration policies can change in a new administration. We are in a critical time when we have the opportunity to continue to get large volumes of cases dismissed or terminated from immigration court. Our client-centered approach requires us to support the needs of our clients. For SOAR, that has meant pursuing the unfunded PD/MTT initiative rather than accepting funding to provide traditional court representation. Traditional court representation is important but does not seize the opportunities we should lean into at this moment."

Conclusion

Promoting the dignity and protecting the rights of immigrants are values held closely by both SOAR and CLINIC, and SOAR's innovations in service delivery advance those values in an incredible way. CLINIC commends SOAR for its client-focused, innovative service delivery model. The success of the MTT/PD initiative has made an immense impact on the lives of over 400 individuals and their families.