



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 09, 2022

TO: Senator Floyd Prozanski,
Chair of the Senate Committee on Judiciary and Ballot Measure 110
Implementation

FROM: Kimberly McCullough, Legislative Director
Oregon Department of Justice

SUBJECT: SB 1543 Universal Representation

This testimony is presented in support of SB 1543.

Background

In 1987, Oregon was the first state in the nation to pass sanctuary legislation, setting policy to ensure that a person is safe and welcome in this state, regardless of their place of birth; and prohibiting the use of Oregon's public dollars, law enforcement, and other state and local government resources to assist with federal immigration enforcement efforts. The Sanctuary Promise Act (HB 3265, passed in 2021), improved our state sanctuary law, and created a Sanctuary Promise Program at the Oregon Department of Justice. The Sanctuary Promise Program will open in 2022, providing a trauma-informed, culturally and linguistically responsive, victim-centered reporting mechanism for individuals who have been targeted in violation of Oregon's sanctuary laws.

Despite this and other commitments, 9,000 individuals in Oregon are facing the possibility of deportation, without any access to the legal and other vital services they need. This fact has serious economic and social implications for Oregon's communities and families. One in ten Oregon children live in a home with a family member who is a noncitizen. The potential loss of this adult's earnings, the constant fear of losing someone close to them, and subsequent familial instability can be devastating to a family.

Oregon has relied heavily on immigrant and noncitizen labor for essential work, especially during the coronavirus pandemic; indeed, three out of every four undocumented workers are essential workers. Oregon's 76,000 undocumented workers account for \$4.8 billion of the state's annual economic output. Almost half of all farm labor in Oregon is carried out by 12,000 undocumented individuals. Our frontline workers in the food service, hospitality, and construction sectors contribute significantly to this state.

And yet, once caught in the federal immigration enforcement machine, our current state laws are not serving these individuals. Unlike the criminal justice system, the U.S. immigration court system does not provide court-appointed attorneys to immigrants facing deportation who are unable to afford an attorney. According to a 2016 American Immigration Council study, only 37% of all immigrants and 14% of detained immigrants are represented by attorneys in immigration court. Access to an attorney has been found to make an individual 5.5 times more likely to stay in this country than those proceeding without an attorney. We need to address this gap.

To achieve Oregon's mission of providing sanctuary, and to ensure undocumented Oregonians can access their rights under the law, we must provide noncitizens facing removal with the legal counsel and support services to access due process. It is not just the economically responsible thing to do, it is the right and just thing to do. Oregon is a richer state, socially and economically, when our laws ensure that any person facing removal proceedings has access to representation.

Concept

SB 1543 will complement the good work that is already happening in Oregon, while filling an immediate and pressing need to prioritize individuals who are subject to removal proceedings and facing deportation in the next six months. This investment will do more than just fund legal counsel in the traditional sense; it will allow direct service providers to meet the ongoing basic needs of these individuals while their cases are moving through the immigration court system.

This includes funding attorneys at community-based organizations to provide culturally responsive services to members of the immigrant and refugee community and funding navigators who can guide persons who are at risk of deportation or need assistance with immigration matters into the program.

The bill will allow direct service providers to build capacity and provide training to support these efforts. Funds can be used to provide interpretation services, a call center or a clearinghouse to provide logistical support, income and program eligibility screening, navigation review, case placement and technical assistance, and referral coordination, mentoring and supervision of attorneys working for community-based organizations.

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