

Want To Keep Your City SAFE?

Frequently Asked Questions about Joining the SAFE (Safety and Fairness for Everyone) Cities Network

What is the SAFE Cities Network?

[SAFE Cities](#) is a group of 12 geographically and politically diverse local jurisdictions around the country that are committed to keeping communities safe and strong by protecting due process and providing legal representation to immigrants facing deportation.

What are the requirements for becoming a network member?

Vera requires that each jurisdiction:

- dedicate public funding to removal (deportation) defense, preferably for detained immigrants,
- aspire to a “universal representation” model, which serves all immigrants in removal proceedings,
- assign a government official or staff member to be a liaison to the network,
- support Vera’s collection of data on funded representation to support the evaluation of the project, and
- sign a Memorandum of Understanding with Vera.

What does Vera provide?

- **In-kind infrastructure support, including:**
 - ***Training and technical assistance for Network legal service providers*** – Vera provides initial training and regular continuing education and skill-sharpening, including through peer-to-peer sharing of best practices and challenges. Vera also provides problem-solving support in managing detention facility and immigration court stakeholder relationships.
 - ***Program performance and outcome monitoring*** - Vera collects quantitative data from legal services providers and qualitative data from regular site visits and other contact with the sites to monitor program performance, report the progress and findings to funders, and identify important trends that may inform technical assistance and program management. With an eye toward evaluation, Vera has created a secure network database targeted at measuring the impact of representation on ***family unity, economic impact, court proceedings and outcomes.***
 - ***Streamlined program administration*** - Vera can assist in the procurement process by running competitive RFP processes to identify qualified legal services providers, negotiating contracts with chosen providers, and administering funding to providers based on work performed.

- **Strategic support to jurisdictions** – Vera can provide communications and messaging support as well as strategic guidance around securing continued funding of the program. Vera also provides a forum for government officials within the Network to share information and challenges
- **Potential matching funds** through a catalyst grant to a local legal services provider doing removal defense. *Please note that in 2019 Vera plans to award catalyst funds through an RFP process eligible both to network sites that have not previously received catalyst funds and to new sites applying to join the network.*

How can my jurisdiction be considered?

Submit a brief **Letter of Interest** detailing your jurisdiction’s interest in joining the Network and proposed program model. The suggested length is 2-3 pages (not including optional attachments) and should address the following:

- 1) why your jurisdiction is interested in joining the network, including whether your jurisdiction has a large immigrant population or detention center;
- 2) how your jurisdiction will fund removal defense, whether through the use of public funds and/or public-private partnerships. Be specific as to amounts, timing and certainty of the funding, and whether there are anticipated obstacles or challenges;
- 3) indications of the city or city leader’s commitment to funding counsel for immigrants;
- 4) the type(s) of removal defense legal representation that your jurisdiction is funding or intends to fund. If it is known, describe (1) who will be providing the services, and (2) what, if any, the eligibility requirements for clients will be; and
- 5) the type of support or technical assistance that your jurisdiction is interested in from Vera.

Please also include the following contact information:

- Agency/Office Name:
- Address:
- Primary Contact Name and Title:
- Primary Contact Telephone Number:
- Primary Contact Email:
- Other Related Contacts:

Please submit your Letter of Interest by e-mail to SAFEcities@vera.org with the subject line as “SAFE Cities Letter of Interest from [Name of Jurisdiction].”

A Year of Being SAFE: Insights from the SAFE Network's First Year

Nina Siulc and Karen Berberich

Fact sheet
November 2018

Overview: The SAFE Network

In the face of unprecedented and unpredictable immigration enforcement, millions of immigrants are at risk of extended detention and permanent separation from their families and communities. Expanding legal representation for immigrants facing detention and deportation has therefore become a crucial last line of defense for immigrant communities. Studies show that immigrants who are represented in court are up to 10 times more likely to establish a right to remain in the United States than those who are unrepresented.¹ However, almost no non-citizens are legally entitled to government-funded representation and many go unrepresented, facing permanent separation from their loved ones, their livelihoods, and their communities if deported.

The SAFE (Safety and Fairness for Everyone) Network is a group of 12 diverse local jurisdictions, convened by the Vera Institute of Justice (Vera), that have committed public taxpayer dollars toward legal representation for immigrants in their communities facing deportation.² Local leaders in these jurisdictions are committed to keeping immigrant families together and communities safe by protecting due process for immigrants who cannot otherwise afford an attorney. In partnership with Vera, the Network is building evidence of the impact of universal representation—a merits-blind case selection approach that views all cases as equally deserving of representation—on clients' immigration cases, as well as their families and communities. This report presents data from the first year of the Network's operations, demonstrating its early success. This is followed by a selection of clients' stories that demonstrate the ripple effect of representation and importance of universal representation to clients, their families, and communities.

Client demographics and case successes

This section of the report shares findings about the 428 clients nationally for whom representation was initiated during the program's first year (through September 30, 2018).³

SAFE clients have strong, longstanding ties to the United States.

- > Clients have resided in the United States for an average of 14 years. Eleven percent of clients have lived in the country for 30 or more years.
- > Many SAFE clients (44 percent) are part of mixed-status families, composed of family members with different citizenship statuses.
- > 349 children under the age of 18 have a parent represented by the SAFE Network, including 299 U.S. citizen children (87 percent).
- > SAFE Network clients are responsible for supporting themselves and their families financially—79 percent of clients with families are the “breadwinners,” responsible for at least half of their family's income.

SAFE clients reflect America's diversity.

- > Overall, the network has represented clients from 43 different countries who speak at least 20 different languages.
- > The majority of clients represented by the network are from Mexico (51 percent), followed by El Salvador (10 percent), Honduras (9 percent), and Guatemala (8 percent).

The SAFE Network represents clients in many different circumstances, including providing protection to the most vulnerable.

- > SAFE clients include asylum seekers, longtime legal residents, parents or spouses of U.S. citizens, and people who came to the United States as children. Twenty-two percent of clients entered or resided in the United States lawfully at the time their representation began.
- > More than a third of clients (39 percent) came to the United States as children, arriving before the age of 18. Although the average SAFE client is 34 years of age, the network has represented clients up to 88 years old.
- > A quarter of SAFE clients (25 percent) have been identified by their lawyers as possible victims of crime, domestic or intimate partner violence, or human

trafficking. For female clients, the figures are even starker, with 41 percent identified as possible victims.

- > Sixty-seven percent of SAFE Network clients who have filed an application to remain in the United States are pursuing protection-based claims (asylum, withholding of removal, or seeking relief under the Convention against Torture).

SAFE attorneys have secured clients' release from detention, allowing clients to return to their families and livelihoods.

- > Thirty-three percent of detained clients represented by SAFE have been granted bond or parole, permitting them to be released from custody during their immigration proceedings.
- > For 73 percent of clients granted bond, SAFE attorneys obtained a lower bond amount, or obtained a bond after none was set initially.
- > By the end of the program's first year, 41 percent of detained clients had been released from custody, either freed on bond or having won their cases outright. As a result, 128 children under the age of 18 have been reunited with a parent represented by the SAFE Network.
- > The work of SAFE Network attorneys extends beyond immigration court. For 4 percent of clients, attorneys have filed habeas corpus petitions in federal court to challenge the basis of their clients' detention.

Clients represented by the SAFE Network continue to appear for their court hearings following release from custody.

- > One of the primary justifications for civil detention is that it is necessary to ensure continued appearances in immigration court. However, in the program's first year, 100 percent of SAFE clients released from custody continued to appear for their court hearings. Even with high rates of release, not a single represented SAFE client has received an order of removal *in absentia*.⁴

SAFE attorneys have had substantial positive impacts on their clients' legal outcomes.

- > Despite an unprecedented national backlog of immigration court cases that leads many cases to drag on for years, by the end of year one, 28 percent of all

SAFE cases had already completed in immigration court.

- > In addition to high bond grant rates, continued appearances in immigration court, and efficient case completions, SAFE attorneys have achieved high rates of success for their clients. By the end of year one, a remarkable 38 percent of cases completed in immigration court resulted in successful outcomes permitting SAFE clients to remain in the United States. By comparison, approximately 3 percent of unrepresented cases nationwide are successful.⁵
- > Half of these successful outcomes were for people pursuing asylum, withholding of removal for fear of persecution, or protection under the Convention Against Torture.⁶

The ripple effects of universal representation

The SAFE Network model is rooted in the widespread support for due process as a fundamental value of justice. What this translates to in real life is powerful. This section of the report describes the impact of the SAFE network—through its attorneys and the universal representation model—on clients and their families, drawing on interviews Vera researchers conducted with clients around the country.⁷ Many of these clients had been released from custody and were still awaiting final decisions on their cases at the time they were interviewed. Others had already won the right to remain legally in the United States. As their stories show, the involvement of lawyers brought fairness to complex immigration proceedings, helped restore trust in local institutions, and allowed clients to return to their communities—and remain together with their families—while they awaited the judge's decision.

Lawyers help offset the destabilizing effects of detention for households and families: Valentina's story

Valentina's experience demonstrates how quickly household stability can deteriorate when a family member is detained. Valentina has deep ties to the United States, having lived here for 23 years. She and her husband raised a U.S. citizen daughter and two lawful permanent resident (LPR) sons here. Like her now-adult sons, who have lived here since they could barely walk, Valentina never naturalized, though she was long ago eligible and had recently started the process of becoming a citizen.

Valentina began the interview quite distressed, telling Vera researchers she was depressed and receiving mental health treatment following the recent events of her life. A few months earlier, her husband had died after battling cancer “all over his body.” Soon after, her two adult sons were arrested by immigration authorities at her home. Since then, “the rent has not been forgiving,” as her sons had been supporting her following her husband’s death. Valentina spent much of the interview in tears, describing how she has lived in the same community, her home, for decades, and was now without money, alone, and often thought about how much her sons were suffering in detention during these “ugly times” in the United States. Before her sons met their lawyer, she told us they were desperate, often saying they would just give up and return to Mexico—a country where they had not lived since they were small children. With the lawyer, Valentina’s sons had hope, and so did she, that the family would not lose everything.

The positive effects of representation have a ripple effect that extends far beyond the immigration court case: Juan and Paula’s story

Often, the hope and positive outcomes that came with representation had stabilizing effects on clients’ financial situations, physical and mental health, and the physical and mental health of their family members. Juan and Paula’s story illustrates this point.

Juan’s detention took his family by surprise, leading to what his wife Paula described as “a complete 360” overnight. Juan and Paula described a tight-knit, stable family that didn’t have financial worries and was “always together” doing activities. Paula explained they were “dumfounded” when one night, soon after speaking to his wife on his phone, Juan was pursued and apprehended by Immigration and Customs Enforcement (ICE) officers while driving home from work. He had recently decided he wanted to expand his job possibilities and applied for Deferred Action for Childhood Arrivals (DACA) after consulting with a private attorney who told him an arrest from his youth would not be an issue. Instead, it triggered a warrant for his apprehension by ICE.

After Juan was suddenly taken into detention, things became very stressful for the family. At just seven years old, one of the children took on worrying about the family’s well-being, and needed counseling to help with his stress. He was too young to understand how finances work, but was concerned

the family would not be able to afford food, so had been offering to do extra chores around the house and was saving up the money Paula paid him to give back to her. The stress of losing the family’s income affected Paula too, who described how she started “blinking out, losing focus, getting rashes.”

Juan’s ties to the community helped the family turn things around. His longtime employer helped connect them to a free lawyer. After hearing about Juan’s detention, a frequent patron of his workplace set up a fundraiser to help pay the bond Juan had been granted and support the family to rebuild financially.

At the time of the interview, Juan’s case was still pending. However, his lawyer had given Juan’s family hope that they would not lose everything simply because Juan had tried to legalize his status by pursuing DACA without realizing the impact of his youthful infraction. The lawyer, Juan says, “is like a big dad. It’s like having your dad next to you,” reassuring him as the family attempts to rebuild some stability.

Lawyers help clients navigate complex immigration laws they are unable to understand alone: Mariana’s story

Mariana recounted emotionally that immigration court was “horrible, so, so stressful ... When I was first detained with ICE there were so many thoughts in my mind ... I was so, so stressed out ... because I put my whole life right there, in their hands, my children’s lives, my family’s.” She described feeling physically ill when she went to court and tried to defend herself alone. She submitted her young children’s pictures to the judge, hoping to demonstrate the burden her detention was causing the family. Instead of helping her case, this just reinforced how little Mariana understood about the process, as “[the government attorney] was laughing at me.” She recounted, “when you’re there and you don’t have a lawyer, it’s like, you feel somehow like, like, unprotected ... because you don’t even understand what they’re telling you. You just hear them say all these court words and saying all these codes and stuff.”

Mariana’s feelings about the process changed when she received a lawyer. She reflected: “With the lawyer it’s just so much different because they understand all these things.”

Mariana underscored the impact of representation by describing the trauma her family experienced while she was detained and the loss they would experience in her

absence. Mariana's three children started having anger and behavior problems when she was detained, though her parents, who were caring for the children temporarily, tried to shield Mariana from the stress they were experiencing. While Mariana was in detention, her brother committed suicide, contributing to the family's trauma. Her parents were suffering financially with the sudden changes in their lives and Mariana felt like she had no "control on what's happening outside." She described this as the hardest part of her life and reflected that she was so lucky, and so thankful, that she got a free lawyer, noting, "there were a lot of women . . . they had simple cases and they just decided to deport themselves because of the conditions. They would just sign the papers, even though they had all their kids here, they just signed because they couldn't take the conditions and they didn't have money for a lawyer." Mariana has now been reunited with her children while she awaits a decision on her case, and the family is working to repair the damage caused by their separation.

Lawyers help restore dignity and humanity to immigrants and their families: Yusuf and Manuel's stories

Many clients felt vulnerable even before their detention, felt disrespected by immigration system actors and, without attorneys, were confused about the immigration court process. Repeatedly, clients pointed to ways in which their SAFE attorneys helped restore dignity to them and the process and put them at ease even when they did not fully understand complex immigration court proceedings.

For example, Yusuf observed that an immigration court interpreter was not enough to help him understand "the law, the Constitution, or the codes" well enough to defend himself effectively. After obtaining representation, he noted that a lawyer "can step in and just save your life." When Vera interviewers asked more about this, Yusuf explained that he came to the United States on a student visa that had recently expired. While he saw himself as someone working hard in the United States, the detention center staff told him he was a national security threat and kept him—he felt arbitrarily because of his appearance and Middle Eastern descent—in solitary confinement. This deeply affected Yusuf emotionally, who felt he had to "just take everything they doled out" and viewed the harsh treatment as "so un-American." With a SAFE lawyer's intervention, Yusuf was soon released from detention, has obtained legal work authorization, and has

returned to his community in the United States. He credits the attorney with helping him get out of detention and juxtaposed the dehumanizing experience of detention with the respect his attorney showed him.

Manuel also described how his SAFE attorney saved him from the despair of detention and prevented him from giving up before he had a chance to present the merits of his case. He underscored this point by recounting how detention facility staff once punished him for leaving a door open in an attempt to get some fresh air when he was having an asthma attack. Ordinarily, he would just reach for an inhaler, he said, but in detention it took weeks to obtain one. Many people in detention suffered accidents because of situations like this, he noted. Detention, he explained, was difficult to endure and made one depressed. "You can't say anything because you are [regarded as] worthless," he reflected.

Like Mariana above, Manuel observed that he met many people in detention who could have fought their cases, but they could not find attorneys and often decided they should just "sign papers agreeing to be deported," even though it meant separation from their families. He spent six months in detention before he met his attorney and, though he was quick to say she has been honest about how tough the case is and has not given him false hope, she helped him achieve release so he can continue to fight his case from outside of detention. "Immigration authorities separate and destroy families," he reflected. His lawyer helped him return to his.

Immigration lawyers are often the front line of defense for immigrants who have involvement with multiple justice systems: Adom's story

Adom's experience reinforces the many issues that converge in immigration defense cases and the crucial role lawyers play in helping clients navigate multiple legal systems and issues. Adom's story began with a routine traffic stop. He said he was told he was being pulled over for a tail light being out, though he is certain the tail light wasn't out and suspects he was being racially profiled. The police officer then issued Adom a ticket for driving with a suspended license. Because Adom had never received notice he had a suspended license, he went to traffic court to challenge the ticket.

When Adom got to court, his case was put off for several hours. He had an unpleasant exchange with the police officer who had pulled him over and, as he was waiting for his case

to conclude, Adom, a black man from West Africa, began wondering, “is it anything that I did wrong, or, I mean, if there’s any room for our race [in the United States]”

In the meantime, the police officer had coordinated with local ICE agents to have them apprehend Adom in the traffic court building. Adom was immediately taken to detention, leaving him unable to communicate with the babysitter caring for his young son. The babysitter had to unexpectedly stay with his son for the next several days until Adom’s wife could leave her job as a live-in nanny. During this time, his son developed an infection on his head that required Adom’s wife to miss more work. The family fell behind on the rent.

The financial stress Adom’s family experienced was exacerbated by the emotional devastation Adom felt being away from his son and imagining what would happen if he was deported and permanently away from the little boy. While Adom was detained, his son was brought to visit him, but did not understand why he could not touch his father on the other side of the plexiglass divider in the visiting room, and Adom became emotional as he recounted the young boy kept “trying to push through the glass to come to me.”

Adom met his SAFE attorney when her organization gave a presentation in the detention center. With the attorney’s assistance, he was eventually released on bond and, at the time of the interview, his attorney was working to restore his expired work authorization. Adom emphasized what a big deal it was that his lawyer had helped him secure bond, reflecting, “whenever someone gets bonded, all the [detainees] are happy, they clap for you, once you’re getting out, they, they’re all happy for you. So when I said I got \$3,000 bond, they’re like, that’s the lowest they heard in this [facility] . . . all thanks to the lawyer, she did a great job.” Adom noted that his attorney “tried to put herself in [his] shoes.” Maybe, he reflected, he just had a good case, “but it all depends on how [the SAFE attorney] presented it.”

Universal representation that is merits-blind and does not exclude people based on prior contact with the criminal justice system ensures all immigrants have access to due process: Luis’s story

Luis’s story demonstrates the value of merits-blind universal representation that views all clients as equally deserving of assistance. Luis explained he had spent months looking for an attorney from inside detention, but nobody would

take his case because he had a DUI charge; indeed, many immigration lawyers who offer free representation are overwhelmed with the level of need and often develop criteria that lead them to “cherry pick” the strongest cases. Most fee-based attorneys Luis reached out to from detention told him they could not even offer a consultation without a hefty fee. Desperate to get out of detention so he could continue to support his nine-year-old U.S. citizen daughter, Luis tried to navigate the process alone, seeking a bond hearing. He attended that hearing without the assistance of a lawyer and was granted a \$20,000 bond he could not afford to pay. When Luis’s case was accepted for representation, he was surprised to learn that his lawyer did not expect to be paid, attempted to lower the bond amount, and even helped raise money for his bond through a local community organization, eventually helping him secure release. Luis recounted that the lawyer’s dedication to his case motivated him to continue appearing in court and enabled him to return to work to support his family while fighting his case. Without a program like SAFE that offers due process to all immigrants, Luis would have continued to languish in detention unnecessarily, away from the family that needs him.

The first year of SAFE shows the importance of lawyers: Mario’s reflections

The lawyer, he noted, “helps assuage the fear one has when going before a judge.” Like many other SAFE clients, Mario noted a difference between his fate and that of others he knew in detention: “Many people don’t know there are people that can help them. And they are resigned to their fate that they will get deported.” His sister added, “There needs to be more organizations that provide more lawyers, because the truth is that one does not feel safe.”

Endnotes

- 1 For a summary of this research, see Karen Berberich and Nina Siulc, *Why Does Representation Matter?* (New York: Vera Institute of Justice, 2018).
- 2 The SAFE Network is active in 12 jurisdictions across eight states. The jurisdictions in the SAFE Network are: Oakland and Alameda County, CA; Sacramento, CA; Santa Ana, CA; Denver, CO; Austin, TX; San Antonio, TX; Dane County, WI; Chicago, IL; Columbus, OH; Atlanta, GA; Baltimore, MD; and Prince George's County, MD. Denver joined the network for the start of year two.
- 3 Data from cases in all SAFE jurisdictions as well as network affiliate San Francisco is included in this report.
- 4 This finding is consistent with previous research that shows that non-detained clients who have representation have high appearance rates in court. See Berberich and Siulc, *Why Does Representation Matter?* 2018.
- 5 Transactional Records Access Clearinghouse (TRAC), "Details on Deportation Proceedings in Immigration Court," accessed November 4, 2018, <http://trac.syr.edu/phptools/immigration/nta/>.
- 6 Other successes included cancellation of removal, adjustment of status, temporary protected status (TPS), and termination of proceedings. Some legal permanent residents and non-legal permanent residents can be granted the right to remain in the United States in the form of "cancellation of removal." For legal permanent residents who have committed certain crimes or acts not defined as "aggravated felonies," an immigration judge may grant cancellation if they have maintained status and continuous residency for a specified period of time and if positive equities (family ties, length of residency, evidence of rehabilitation or good moral character, employment, etc.) outweigh any adverse factors. For non-legal permanent residents, an immigration judge may grant cancellation if the person has been physically present in the United States for the last 10 years, has demonstrated good moral character during that time, has not been convicted of certain crimes, and shows that a qualifying relative would suffer "exceptional and extremely unusual hardship" if the client is removed from the United States.
- 7 All names used here are pseudonyms to protect client identities. Client interviews have so far been conducted in eight SAFE Network jurisdictions as well as other affiliate locations and are planned for the remaining jurisdictions in the next few months. Themes from the entirety of these interviews will be presented in greater detail in a report to be released in early 2019.

For more information

For more information about this report and the SAFE Network, contact SAFE@vera.org. The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire

change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse

of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit www.vera.org.

MEMO TO THE CITY OF PORTLAND

April 2, 2018

EQUITY CORPS OF OREGON:

DEFENDING THE RULE OF LAW FOR EVERYONE: A UNIVERSAL REPRESENTATION PROPOSAL

Summary:

Oregon's prosperity, particularly the City of Portland's, is intertwined with our immigrant and refugee population. Oregon's prosperity is in danger because a racially motivated campaign of mass deportation is aimed at Portland's immigrant communities of color, causing short- and long-term family separation, lost productivity, lost investment in education, a chilling of basic civic participation, interference in our local court system, and more.

Universal Representation through the Equity Corps of Oregon model delivers:

- a stronger, more vibrant city where immigrants of color are included; a more resilient immigrant service infrastructure;
- more city residents and workers with stable immigration status contributing to our shared prosperity through increased taxes, productivity, and entrepreneurship.

The Equity Corps model serves:

- 1,500 people in the first 2 years (\$1,782/client served)
- 3,265 people over three years (\$1,035/client served)

Equity Corps costs:

- Year 1 \$976,478
- Year 2 \$1,002,416
- Year 3 \$1,233,649

The city has an obligation to fund access to justice

- 1) Portland residents and workers are being targeted for arrest and deportation based on race.
- 2) The City's Sanctuary Task Force's #1 recommendation stated that the City's "highest priority" must be to provide removal defense attorneys.
- 3) Portland's sanctuary policy paradoxically has put its immigrant communities in *more* danger as federal authorities are targeting Portland's communities in an act of retaliation. For Portland's Sanctuary Policy to have meaning, the City has no choice but to step in and provide defense services.
- 4) Oregon's immigrant community contributes billions in state and local taxes ¹
 - a. Immigrants comprise nearly 13 percent of the state's workforce, and Oregon's immigrant-led households paid nearly \$737 million in state and local taxes in 2014.
 - b. Undocumented immigrants comprise 4.8 percent of the workforce and contributed roughly \$81 million in state and local taxes in 2014.
 - c. 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.

It is in the city's benefit to provide removal defense

- 1) Increased stability in the immigrant community benefits the local economy;
- 2) Improves stability in immigrant households and communities, which could increase state and local taxes an additional \$40 million yearly²;
- 3) Eliminates or minimizes impact on loss productivity, employee turn-over, student drop out, at risk families and youth;

¹ Am. Immigr. Council, Immigrants in Oregon (Sept. 15, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>.

² Institute on Taxation & Economic Policy, Undocumented Immigrants' State & Local Tax Contributions, Table 1 at 3 (March 2017).

- 4) Protects multi-billion-dollar spending power of immigrant communities;
- 5) Helps city achieve equity goals:
 - a. The Equity Corps “strengthen[s] outreach, public engagement, and access to City services for communities of color and immigrant and refugee communities[.]” The model is built around collaboration in order to eliminate inequity for immigrant communities of color;
 - b. The Equity Corps system would develop a massive amount of data that would help the City better understand and track efforts toward equity;
- 6) Provides stability for vulnerable community members.

Hundreds of thousands of Oregon families are at risk:

Hundreds of thousands of Oregonians are immigrants. Even more are from mixed-status families with immigrant and undocumented immigrant family members.³

- 1) One in ten Oregon residents is an immigrant, totaling almost 400,000 foreign-born Oregonians.
- 2) Many Oregon families have mixed citizenship statuses.
 - a. One in eight Oregon residents is a native-born U.S. citizen with at least one immigrant parent.
 - b. One in twelve Oregon children—more than 71,000—is a U.S. citizen living with at least one undocumented parent.
 - c. Nearly 90,000 U.S. citizens in Oregon live with at least one family member who is undocumented.

All noncitizens—both those with a recognized legal status and those without—can face deportation.

³ Am. Immigr. Council, *Immigrants in Oregon* (Sept. 15, 2017), <https://www.americanimmigrationcouncil.org/research/immigrants-oregon>.

- a. While the public discussion of deportation frequently focuses on "undocumented" individuals, the government can bring removal proceedings against anyone who is not a citizen--legal permanent residents, refugee, etc. ICE has even brought removal proceedings against U.S. citizens and, in some cases, even deported them.
- b. Further, many "undocumented" individuals have a valid claim to lawful residency in the United States, but due to an inability to afford or access legal representation, remain "undocumented."

Portland is a top target for ICE enforcement.⁴

Residents in Multnomah County and Washington County are the Oregon communities most heavily targeted by ICE.

- 1) When broken down to county subdivisions, residents of Beaverton/Hillsboro and residents of East Portland are the most targeted communities in the state.
 - a. Statewide, at least 4,097 immigrants living in Oregon have deportation cases pending in immigration court.
 - b. At least 843 Multnomah County residents currently have deportation cases pending in immigration court. In Oregon, only Washington County has a higher number, with 989 residents in deportation proceedings.
- 2) East Portland also has nearly 600 residents with pending removal cases.
 - a. In the last 90 days alone, 80 Multnomah County residents have been forced into deportation proceedings in immigration court.
 - b. 55 of the 80 new cases were individuals who live in East Portland.
 - c. Statewide, in the last 90 days, 415 Oregon residents have been forced into deportation proceedings in immigration court.

⁴ Data on Multnomah County residents in deportation proceedings updated through February 2018. Available at <http://trac.syr.edu/phptools/immigration/addressrep>.

Portlanders lack representation, especially new cases.

- 1) 33% (243) of Multnomah County residents currently in deportation proceedings are unrepresented.
 - a. Statewide, 34% (1,398) of Oregon residents are unrepresented.
- 2) Among Multnomah County residents against whom deportation cases have been initiated in the last 90 days, 71% (57) are unrepresented.
 - a. Statewide, 84% (347) of Oregon residents against whom deportation cases have been initiated in the last 90 days are unrepresented.

Without representation, Portlanders with a right to be here are being deported

- 1) In 2016, the Portland Immigration Court issued final decisions in 281 cases where the parties were unrepresented. Of those, 233 resulted in orders of deportation—a rate of 82% or 8 out of every 10 cases. In only 7 cases (2%) were the parties able to win relief from deportation in a final merits hearing.
- 2) In cases where the parties had a lawyer, however, only 29% of final decisions resulted in deportation while 44% were granted relief.⁵

The Solution – Universal Representation provided by the Equity Corps of Oregon:

- 1) Establish an Immigrant Legal Defense Fund for two-years; the funds can be administered by a local foundation or other entity; other entities can also donate to the fund.

⁵ This data comes from an information request submitted to the U.S. Department of Justice by Metropolitan Public Defender's immigration project, Immigrant Defense Oregon (IDO). In addition to orders for deportation or relief, cases may also be terminated before proceeding to a merits hearing. The full data is on file at IDO and available for review

- 2) The Legal Defense Fund supports the Equity Corps of Oregon.
- 3) The Equity Corps of Oregon is a scalable, cost-effective, innovative manner of delivering immigrant legal services.
 - a. Equity Corps uses a system of legal service delivery called “Massive Collaborative Representation” that has been used around the country and is one of the most innovative ways to deliver immigrant legal defense services.
 - b. It is data-driven.
 - c. It is used in some of the largest defense projects in the country.
 - d. At scale, the model delivers removal defense services at 33% less than traditional models

Equity Corps’ goal is to deliver *systemic change*, not just delivery legal services.

- It uses data-aggregation and legal collaboration to achieve change.
- Equity Corps aggregates approximately 250 unique data points that it uses to manage the delivery of services, improve immigrant inclusion, and protect the rule of law. The data is collected and stored safely and ethically.

Equity Corps delivers services at a cost-effective price point and easily scales up (and down).

- 1) Equity Corps relies on existing immigrant legal services infrastructure to lessen start-up costs
- 2) Equity Corps integrates pro bono services to lessen costs, increase effectiveness, increase civic participation amongst legal community
- 3) Equity Corps allocates costs close in time to when incurred to eliminate obligations beyond a single budget cycle.
- 4) The system scales by simply adding a Direct Services Attorney (DSA). Each time a DSA is added (or subtracted), the entire system scales proportionately. Because of its scaling feature, the cost efficiencies are amplified as the project grows.
 - a. Scale increases cost-effectiveness by 37%

Equity Corps Components

- 1) Direct Service Attorneys hosted by nonprofit Oregon Legal Service Providers (LSPs)**
 - a. DSA's defend cases at imminent risk of deportation
 - b. DSA's can defend up to 55 cases / year in addition to providing related services to impacted individuals
 - c. An LSP must demonstrate competency in immigrant defense services, personnel management, and financial management; it must be accredited by the Office of Legal Access Programs of the US Department of Justice and must be a registered Oregon nonprofit.
- 2) Navigators/intake specialists at community-based organizations (CBOs)**
 - a. Navigators are embedded in CBOs to provide know your rights trainings, immigrant legal assistance workshops, access to immigrant legal screenings, intakes and referrals for immigrant legal assistance and coordinate community navigators. Navigators do not provide legal advice or complete immigration applications.
 - b. Navigators can deliver up to 1600 assessments and screenings / year in addition to supporting Know Your Rights + Beyond Know Your Rights trainings
- 3) Clearinghouse support services**
 - a. Clearinghouse supports the model by delivering technology system, case tracking, strategic & tactical support to attorneys and pro se specialists, creating expert and forensic support systems
- 4) Client case fund:**
 - a. Immigration cases sometimes require additional expenses. The system builds in a pool for such funding with a client deductible system based on income.

Why the City should lead in making this investment

- 1) This is the start, and Portland has the opportunity to lead—but we intend on bringing others into this project.
 - a. Clearly, Washington County and the cities of Hillsboro and Beaverton are stakeholders, and our team intends on approaching leaders in those jurisdictions next.
 - b. Our team further intends on taking this conversation to state lawmakers and the governor's office for the next long session.

- 2) Where are the private funders?
 - a. In the absence of public funding, in this time of crisis, the existing nonprofit immigration legal services providers and community organizations have turned to Oregon Immigrant and Refugee Funders Collaborative, representing Meyer Memorial Trust, Collins Foundation, the Oregon Communities Foundation.
 - b. The private funders have been tremendously generous and involved in funding immigration, especially since the election of Trump.
 - c. But the scope and features of this issue require a unified response led by elected officials. This is an issue of public concern that directly implicates the City's status as a sanctuary jurisdiction and the wellbeing of its residents and workers.