

**PRESIDENT**

Daniel Stein

**EXECUTIVE DIRECTOR**

Bob Dane

**BOARD OF DIRECTORS**

Donald A. Collins Jr., Chairman

Duane Austin

Douglas E. Caton, Maj. Gen., USAR (Ret.)

Kevin Donaleski

James Dorcy

Frank Morris, Ph.D.

S. Blake Swensrud II

**NATIONAL BOARD OF ADVISORS**

Nancy Anthony

The Hon. Louis Barletta

Sharon Barnes

Gwat Bhattacharjee

Gerda Bikales

The Hon. Brian Bilbray

J. Bayard Boyle Jr.

Hugh Brien

John Brock

Pat Choate, Ph.D.

Donald A. Collins Sr.\*

Clifford Colwell, M.D.

Thomas Connolly

Alfred P. Doyle, M.D.

Dino Drudi

Paul Egan

Bob Eggle, Capt., USAR (Ret.)

Sarah G. Epstein\*

Don Feder

Robert Gillespie

Joseph R. Guzzardi

Hessie L. Harris

Dale Herder

Sheriff Thomas Hodgson

Glenn Jackson

Carol Joyal

The Hon. Richard Lamm

Roy C. Lierman

Donald Mann

Jack Martin

K.C. McAlpin

Scott McConnell

James G. McDonald, Esq.

Paul K. Nachman

Peter Nuñez

Fred Pinkham, Ph.D.

Randall Pullen

Bruce S. Reid

Teela Roche

The Hon. Alan Simpson

The Hon. Lamar Smith

John Philip Sousa IV

Alan N. Weeden

The Hon. Curtin Winsor Jr.

\*Board of Directors Emeritus

*FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.*



January 25, 2021

The Honorable William Smith, Jr., Chairman  
Maryland Senate Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned who believe that our immigration laws must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of ourthem, I am writing to express FAIR's strong opposition to Senate Bill (SB) 317. FAIR opposes providing legal representation to illegal aliens in immigration proceedings.

Under SB 317, illegal aliens who live in Maryland will be provided legal counsel, at taxpayer expense, in removal proceedings just after the action is initiated and not concluding until a final judgment is issued by the Board of Immigration Appeals and all other legal matters have been resolved, even if the person being represented is no longer in Maryland.

This bill to provide taxpayer-funded legal representation to illegal aliens undermines federal law. Federal law expressly prohibits governments from funding the legal representation of aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law specifies that it must be at no cost to the taxpayers. See [8 U.S.C. 1229a\(b\)\(4\)](#); [8 U.S.C. 1362](#).

Many who support the right of illegal aliens to be given free legal representation in immigration removal proceedings compare deportation to criminal prosecutions. In a criminal prosecution, the Sixth Amendment to the U.S. Constitution guarantees the accused the right to have the assistance of counsel for his/her defense, including at taxpayer expense if indigent. See *Gideon v. Wainwright*, 372 U.S. 335 (1963). However, immigration



proceedings, including those for removal, are civil and not criminal and do not trigger a right to counsel. In fact, the the Supreme Court has ruled that deportation is not a punishment, but rather a civil administrative procedure whereby someone residing illegally in the United States is returned to their homeland.

Moreover, providing counsel at taxpayer expense to those illegally in the country is patently unfair. Taxpayer-funded legal representation is generally unavailable to citizens or legal immigrants who face civil proceedings such as foreclosures, evictions, divorce, child custody, and even non-criminal administrative disputes with government, such as disputes over taxes, licensing or zoning. Therefore providing this representation to illegal aliens is misguided and patently unfair to the citizens and legal residents who are required to pay out of pocket for their own civil proceedings.

Additionally, the bill requires the coordinator in the Attorney General's Office to designate community groups to "educate individuals and families impacted by immigration detention by hosting 'know-your-rights' workshops, distributing written information, assisting communities in the formation and maintenance of neighborhood defense committees and any other activity to inform individuals about their rights."

This bill uses taxpayer funds to support and advance a politicized agenda. Instead of directing resources to the needs of the community as a whole, it is promoting welfare rights for those who are here in the country illegally, those who are violating federal law simply by their very presence in the United States. In the middle of a pandemic when thousands of Marylanders are struggling economically, this legislation is a drain on the state's ability to help the needy. It will also encourage additional illegal immigration, thus further straining already limited resources. SB 317 tells Maryland residents that certain segments of the population are more important than others and entitled to special privileges.

For the aforementioned reasons, FAIR opposes SB 317. I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at [srendall@fairus.org](mailto:srendall@fairus.org) or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is cursive and fluid, with the first letters of "Shari" and "Rendall" being capitalized and prominent.

Shari Rendall