

SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 317

Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator

January 27, 2021

Position: Support with Amendment

The Esperanza Center, a program of Catholic Charities, is a comprehensive immigrant resource center located in Fells Point. Our staff and volunteers provide services and referrals, ESL education, healthcare and low-cost immigration legal services to thousands of immigrants each year. **We support SB 317.**

All too common today, thousands of individuals appear unrepresented before the strict gavel of immigration courts and venues within the ambit of immigration law. SB 317 would allow covered individuals a right to legal representation in certain immigration proceedings – a necessary stroke to ensure parity in the administration of our laws.

Utmost, SB 317 provides this: a right to legal representation for immigrants who wish to have representation in certain immigration proceedings. This representation is a right that should not have eluded us for nearly a century. The U.S. Supreme Court recognized in a 1922 decision that deportation may result in the loss of “all that makes life worth living.” To this day, deportation remains a Sword of Damocles that swing left and right over immigrants and, at times, dropping at the dead of night when U.S Customs and Immigration Enforcement take them away. SB 317 provides the necessary helmet so that immigrants facing deportation have some protection through legal representation.

The law plugs the hole in our legal system that an individual facing immigration proceedings have a right to counsel but not at the government’s expense. Further, the law is designed to allow for community outreach and community education about immigration. The law is forward thinking. SB 317 envisions local jurisdictions enacting similar right to counsel programs – a sign that right to counsel in immigration proceedings is rooted in the fair legal representation of members of the community. Indeed, this law is as normal as the morning dew.

Every day, the Esperanza Center sees clients in-person and virtually during the COVID-19 pandemic. Clients fear that any contact with immigration in particular and law enforcement in general will lead to certain deportation, and even persecution or torture in their countries of origin. Esperanza’s immigration legal services program serves individuals facing deportation in immigration court and other venues where there is right to counsel but not at the government’s expense. Individuals must have legal representation so that when a final legal disposition is rendered, that disposition is deemed proper and proportional as a matter of law.

While we appreciate the original language of the bill, we offer for consideration the following amendments

- 1) The program should be housed within the Office of the Public Defender and not the Attorney General’s Office. OPD has offices throughout the state and are better positioned to provide and coordinate representation.
- 2) In addition to coordinating a network of legal providers, OPD should have the flexibility for their office to provide representation.
- 3) We ask that a funding mandate be included in the bill.

We urge you to provide individuals a right to legal representation in certain immigration proceedings throughout Maryland by giving a favorable report for SB 317. Thank you for your consideration of our views.

Submitted by: Matthew Dolamore, Program Director