



# **SB 317: Right to Counsel in Immigration Proceedings Coordinator**





## Poor people facing deportation are not provided lawyers to represent them.

- ◉ Indigent noncitizens are not provided attorneys to represent them, even though the stakes they face are as or more serious than those that criminal defendants face, including:
  - ◉ Deportation/banishment
  - ◉ Permanent separation from family, especially USC children
  - ◉ Loss of liberty through detention in jails
  - ◉ Death, torture, persecution in their country of origin once deported
- ◉ Because immigration proceedings have been arbitrarily categorized as “civil”, the 6<sup>th</sup> Amendment right to effective assistance of counsel and *Gideon v. Wainwright* do not apply.





# Legal representation is the difference between **winning and losing a case in immigration court.**

- Individuals with legal representation are significantly more likely to win their cases.
  - Studies show that, nationwide, **10 times more likely to win** immigration case with a lawyer.
- Immigration laws are complex, even for trained attorneys.
  - Unrealistic to expect layperson to represent themselves,
  - All applications and evidence must be submitted in English
  - Detained people also do not have access evidence they need to prove their case.
- Other benefits of representation include efficient resolution of cases and reduced time in detention.



In the Baltimore Immigration Court, **individuals with representation were 4 times more likely to win their case.**

81% of detained immigrants in Maryland had no legal representation at any point in their case.

**ONLY 7%** of detained, non-represented immigrants in the Baltimore Immigration Court won their case.





# That is why the right to counsel in immigration proceedings is critical

- ALL PEOPLE **regardless of their income, background, merit of case** are entitled to due process under the law. Without a lawyer, multiple studies show, due process is unlikely.
- Government should provide those lawyers to people who cannot afford them, like a public defender system.





## What does Senate Bill 317 do?

- Ensures due process by providing legal representation to detained, indigent Maryland residents facing deportation
- Maryland Office of the Public Defender will coordinate services, host the program, and provide some representation
- Provide a stipend to Maryland residents that are detained out of state to secure legal representation by a competent non-profit, private attorney, law school clinic, or other appropriate provider.
- Outreach and support for detained individuals, their families, and their communities.






## How many Maryland noncitizens are in need of legal representation?

- An estimated **530 individuals are in need of representation annually**, which represents the number of Maryland residents who will be:
  1. Placed in deportation proceedings
  2. Detained
  3. Unable to afford counsel
- Approximately 400 of these individuals are Maryland residents facing deportation proceedings within the state.
- Approximately 130 are being detained by federal immigration authorities in other states.





# Economic Benefit to the State of Maryland & Cost of Program

- 7.3 % of the state's population of 5,996,079 are noncitizens (approx. 443,489)
  - An estimated 59% of residents, or 313 individuals would likely win their cases if represented
  - This would save Maryland employers an estimated \$1.77 million annually in turnover costs when their employees are saved from deportation.
  - The impact of this program on Maryland's gross domestic product (GDP) for a single year under this program would be a **gain of \$16.4 million for the state in 2021.**
  - The total gain in GDP for Maryland **after ten years would amount to \$178.9 million for full representation state-wide.**
  - Total cost of program:** \$7.95 M to represent 530 people per year
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# Ongoing Right Counsel Immigration Programs in Maryland

- ◉ [Prince George's County](#)
  - Immigration Services and Language Access (ISLA) Initiative: CAIR Coalition partnership with Prince George's County to provide full legal representation to detained individuals from PGC. County has dedicated up to half a million in support.
- ◉ [Baltimore City](#)
  - Baltimore City partnership with [VERA Institute of Justice's Safety and Fairness for Everyone \(SAFE\) Network](#). 100K from VERA grant – 100K from City's budget in 2018.





# These programs are successful!

## Key Statistics about the Baltimore City Right to Counsel Immigration Program:

- In year one, 38% of cases represented by attorneys resulted in successful outcomes, allowing clients to remain in the United States. (only 3% were successful, unrepresented)
- Clients include asylum seekers, longtime legal residents, parents or spouses of US citizens, and people who came to the United States as children.
- More than a third (39%) came to the US as children.
- 79% of clients are the “breadwinners” in their families - responsible for at least half of their families income.
- By the end of the first year, 41% of detained clients were released from custody, either freed on bond or won their cases outright.





## Right to Counsel Immigration Programs protect victims of crime, trafficking, torture

- 25% of SAFE clients have been identified by their lawyers as possible victims of crime, domestic or intimate partner violence, or human trafficking.
  - For female clients, the stakes are even starker, with 41 percent identified as possible victims.
- 67% of SAFE network clients who have filed an application for relief are pursuing protection-based claims (asylum, withholding of removal, or seeking relief under the Convention against Torture).



