



BILL NO: Senate Bill 317
TITLE: Office of the Attorney General - Right to Counsel in Immigration Proceedings
Coordinator
COMMITTEE: Judicial Proceedings
HEARING DATE: January 27, 2021
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 317.**

Senate Bill 317 recognizes the importance of legal representation at immigration proceedings. It creates the right to counsel for Marylanders in immigration proceedings when they are detained in immigration detention in Maryland or in another state but are a Maryland resident. The bill also creates a Right to Counsel in Immigration Proceedings Coordinator position housed in the Office of the Attorney General. The Coordinator will organize the services and resources to ensure all that are eligible receive the legal representation at the covered hearings. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants.¹ Currently, there is no right to counsel in civil matters including immigration proceedings.

Domestic violence against immigrant women is believed to be almost three times the national average.² In a 2015 survey, survivors of domestic violence state that they were afraid to call police because the police would contact immigrations authorities, that criminal charges related to the domestic violence could lead to deportation of themselves or the abuser and that they could lose custody of their children.³ Abusers use the immigration status of their victim as another way to exert power and control.⁴

¹ Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf

² Dutton, M., Molina, R. and Young, L. (2015). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases. [online] National Immigrant Women's Advocacy Project. Available at: <http://library.niwap.org/wp-content/uploads/Powerpoint-Evidence-ofCoercive-Control-Proof-of-Extreme-Cruelty-in-Immigration-Cases-and-Power-and-Control-Dynamics-in-FamilyLaw-Cases.pdf>

³ Coker, Donna K. and Park, Sandra S. and Goldscheid, Julie and Neal, Tara and Halstead, Valerie, Responses from the Field: Sexual Assault, Domestic Violence, and Policing (October 1, 2015). University of Miami Legal Studies Research Paper No. 16-2, Available at SSRN: <https://ssrn.com/abstract=2709499> or <http://dx.doi.org/10.2139/ssrn.2709499>

⁴ Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." Georgetown Journal on Poverty Law and Policy. 7(2).

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There are legal pathways to lawful status for survivors of domestic violence. However, these are best navigated with the assistance of counsel. SB 317 takes the critical step of ensuring that those that are in immigration detention pending immigration proceedings are represented. This knowledge will hopefully create the necessary trust in immigrant domestic violence survivors to come forward and seek the assistance they need.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a favorable report on **SB 317**.