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TO: The Honorable William C. Smith
Chair, Judicial Proceedings Committee

FROM: The Office of the Attorney General

RE: SB 317 – Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator – **Letter of Support with Amendment**

Maryland is a vibrant and diverse state. Approximately 15 percent (911,582) of our population is foreign-born and just over 7 percent (443,489) are noncitizens. Between 2010 and 2014, nearly 300,000 people in Maryland lived with at least one undocumented family member; and 7 percent of U.S. citizen children in Maryland live with at least one undocumented family member.¹ For years, these Marylanders have lived under the constant threat of detention and deportation – an often cruel and inhumane system that rips families apart and captures immigrants with and without lawful status.² Despite the similarity to criminal prosecutions—including long periods of incarceration and the potential serious consequence of permanent removal from the country—residents facing deportation proceedings are not entitled to legal counsel. And as with criminal proceedings, systemic racism also permeates immigration enforcement: although Black immigrants comprise only 5.4 percent of the U.S. undocumented population, they represent 20.3 percent of those facing deportation.³ Senate Bill 317 seeks to address this issue by establishing a universal representation program for immigrants detained in Maryland and Marylanders who are detained outside of the State.

While legal representation does not ensure those facing deportation of a successful outcome (nor should it), it would help protect Marylanders from prolonged and unnecessary detention by increasing the likelihood that those with valid defenses against deportation are more quickly reunited with their families and communities. A 2017 analysis of the Baltimore

¹ <https://www.americanimmigrationcouncil.org/research/immigrants-in-maryland>

² While immigration raids increased significantly under the Trump Administration, prior federal administrations also arrested and deported Maryland residents and some immigration enforcement is expected to continue under the Biden Administration.

³ <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>

Immigration Court found that immigrants without counsel were more than twice as likely to be detained during their entire case.⁴ Unfortunately, most Marylanders facing deportation have no legal representation.⁵

The Office of the Attorney General recognizes the importance of legal counsel where critical rights and interests, such as one's liberty, are at stake and supports SB 317 with one amendment. Currently, the bill identifies the Office of the Attorney General as the coordinator of the right to counsel in immigration proceedings program. We understand that the Office of the Public Defender has agreed to be the coordinator of this program. This change reflects the similarity between criminal and immigration proceedings and capitalizes on the existing skills and capacity of that office.

For these reasons, the Office of the Attorney General urges a favorable report of SB 317 with amendment.

cc: Members of the Judicial Proceedings Committee

⁴ https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf

⁵ *See id.*