

# **2021 JCRC SB 317 AG Office Rt to Counsel Immigrati**

Uploaded by: Bagwell, Ashlie

Position: FAV



**Testimony in SUPPORT of *Senate Bill 317* -  
*Office of the Attorney General – Right to Counsel in Immigration*  
*Proceedings Coordinator*  
**Judicial Proceedings Committee**  
**January 27, 2021****

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work tirelessly throughout the entire Greater Washington area to advocate for our agencies that serve the most vulnerable residents, support our Jewish day schools and community centers, and to campaign for important policy interests on behalf of the entire Jewish community.

Deuteronomy 23:16-17 says, *“You shall not deliver unto his master an enslaved person that has escaped from his master unto you. He shall dwell with you, in your midst, in the place that he shall choose within one of your gates that seems good to him; you shall not mistreat him.”* Beginning with that unyielding Biblical injunction and continuing throughout our people’s history, Jewish law and tradition have embraced the stranger and demanded that we help those in need.

The JCRC has a long tradition of endorsing policy measures that provide support to immigrant communities. In immigration court, legal representation often makes the difference between whether someone is allowed to remain safely in this country or is deported. Senate Bill 317 establishes that an individual who is detained in immigration detention in Maryland or in another state and is a Maryland resident has a right to legal representation in certain immigration proceedings and establishes the Right to Counsel in Immigration Proceedings Coordinator in the Office of the Attorney General to manage services and resources in order to provide all covered individuals with access to legal representation.

According to a study by the American Immigration Council (AIC), only 37 percent of all immigrants go to court with lawyers by their side. Not surprisingly, individuals with counsel are more likely to pursue relief from deportation and win their cases. Detained immigrants are 11 times more likely to pursue relief when they have legal counsel and are twice as likely to obtain relief than detained immigrants without counsel. The JCRC

recognizes the importance of legal representation as it dramatically increases the chance that an individual achieves a successful outcome in their immigration case. Providing a right to counsel is a proven means of keeping families and communities together and avoiding the resulting social, economic and public health costs of deportation. For these reasons, we urge a favorable vote on SB 317.

**SB0317 MD NARAL SUPPORT.pdf**

Uploaded by: Blalock, Isabel

Position: FAV



**SB0317 - Office of the Attorney General – Right to Counsel in Immigration Proceeding Coordinator**  
Presented to the Hon. Will Smith and Members of the Senate Judicial Proceedings Committee  
January 27, 2021 11:00 a.m.

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### **POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges the Senate Judicial Proceedings Committee a favorable report on **SB0317 - Office of the Attorney General – Right to Counsel in Immigration Proceeding Coordinator**, sponsored by Delegate Shelly Hettleman.

Our organization is an advocate for reproductive health, rights, and justice. Among our goals is to protect all those of reproductive age including pregnant and parenting individuals within the State of Maryland. However, lack of legal representation for undocumented persons across Maryland has led to higher risk of family separation, a sad and inhumane violation of our organization's values.

According to a study done by the American Immigration Council, after reviewing 1.2 million deportation cases in the U.S. over a span of six years, 63% of immigrants in those cases did not have access to legal representation for their trial.<sup>1</sup> This is a shockingly high percentage of those who enter the court system without legal representation, and with little or no English language proficiency, let alone an understanding how Immigration law works in our country. This same report also showed that "Depending on custody status, representation was associated with a 19 to 43 percentage point boost in rate of case success."<sup>2</sup> Therefore, we know that representation gives the best chance to those facing removal proceedings. Denying these individuals every opportunity to adequately defend themselves in court is unjust and can lead to removals and family separations that otherwise would not have happened with attorneys present.

This legislation will make it mandatory for each immigrant facing removal proceedings to have access to legal representation for their trial. It gives the best chance for each case to be heard fairly and justly in a U.S. court of law and can, according to the data, potentially lead to fewer family separations of pregnant and parenting individuals from their children.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0317**. Thank you for your time and consideration.

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<sup>1</sup> Ingrid Eagly and Steven Schafer, "Access to Counsel in Immigration Court," American Immigration Council, September 28, 2018, <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court#:~:text=In%20it%2C%20we%20reveal%20that,court%20hearings%20without%20an%20attorne...>

<sup>2</sup> Ibid.

# **SB0317 Right to Counsel Immigration.pdf**

Uploaded by: Cantori, Renee

Position: FAV

I support SB-0137- Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator introduced by Sen. Hettleman.

Should any person in Maryland be picked up for any reason, they should be afforded the right to adequate defense. Which includes among other things the right to counsel, among other things. Doing otherwise, could result in unnecessary, unjust, and inhumane consequences, and does not allow for the premise of 'innocent until proven guilty' to be equitably applied.

Respectfully,

Renee Cantori  
Annapolis, MD

**SB317\_LatinoCaucus\_FAV.pdf**

Uploaded by: Caucus, MD Latino

Position: FAV





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TO: Senator William C. Smith, Jr, Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: January 27, 2021

RE: SB317 Office of the Attorney General – Right to Counsel in  
Immigration Proceedings Coordinator.

### **The MLLC supports SB317 Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB317.

The right to an attorney is meant to protect people from an unfair trial and as affirmed by the Supreme Court of the United States, it promises an effective lawyer. When it comes to the immigration process, immigrants are only entitled to legal representation provided by the government. Sadly, this representation only covers individuals in extremely limited situations, which contributes to lack of representation that could eventually result in detention and even deportation.

According to the [American Immigration Council](#), access to counsel is very scarce and unevenly distributed across the United States. Nationally, only 37% of all immigrants and only 14% of detained immigrants secured legal representation in their removal cases. Immigrants from Latin America are among the least likely to have representation during their removal proceedings, especially individuals from Mexico, Honduras, Guatemala, Nicaragua, and El Salvador. Furthermore, immigrants from Mexico (78%), Honduras (60%), and Guatemala (58%) are the most likely to be detained. Given that immigrants with attorneys fare better at every stage of the court process, it is crucial that their right to counsel is permitted.

SB317 establishes that individuals have the right to counsel in certain immigration proceedings and creates a Right to Counsel in Immigration Proceedings Coordinator in the Office of the Attorney General. The Coordinator will operate with local organizations to ensure immigrants have an attorney during their cases. These are high-stake cases and circumstances for our community. It is a priority for us to keep our immigrant families together. If the legislature truly values due process and equality in the state, the passage of this bill will be a priority, as well.

The MLLC supports this bill and urges a favorable report on SB317.

**testimony.SB317.pdf**

Uploaded by: Chaudry, Zainab

Position: FAV



January 22, 2021

Honorable Senator William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
Miller Senate Office Building, 2 East  
Annapolis, MD 21401

**Re: Testimony in SUPPORT of SB317 – Office of The Attorney General- Right to Counsel in Immigration Proceedings Coordinator**

Dear Chair William C. Smith, Jr. and Senate Judicial Proceedings Committee Members:

On behalf of the Council on American-Islamic Relations, I thank you for this opportunity to testify in support of Senate Bill 317 entitled Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator. CAIR is America's largest Muslim civil rights and advocacy organization.

The United States' immigration detention program, operated by Immigration and Customs Enforcement (ICE), is the largest of its kind in the world. The majority of Individuals detained by ICE are not afforded the right to legal counsel for their proceedings. This is a violation of basic civil liberties; all ICE detainees should be afforded due process to ensure fair, impartial treatment.

Oftentimes, detainees do not understand the complex intricacies of our justice system. Their judgment and ability to articulate their circumstances can be inhibited by language and cultural barriers, stress, circumstances, fear. This bill will ensure, whatever their personal predicament and response, that they can speak to a lawyer who is familiar with their case. It also aims to educate minorities who have been directly affected by detention on their legal rights.

The bill fixes critical oversights, and will seek to provide individuals with legal counsel when necessary and requested. We support this bill because it seeks to provide basic rights, and we believe it will help level the playing field for immigrants and communities of color who have been disproportionately harmed by cruel and inhumane immigration policies in our country. Therefore, we respectfully urge your vote in favor of it. Thank you for your consideration.

Sincerely,

Zainab Chaudry, Pharm.D.  
Director, CAIR Office in Maryland  
Council on American-Islamic Relations  
Email: [zchaudry@cair.com](mailto:zchaudry@cair.com)

# **MOPD Position on SB 317.docx.pdf**

Uploaded by: DeWolfe, Paul

Position: FAV



## POSITION ON PROPOSED LEGISLATION

BILL:	Senate Bill 317, Office of the Public Defender, Right to Counsel in Immigration Proceedings Coordinator
POSITION:	SUPPORT
DATE:	January 25, 2021

The Office of the Public Defender is honored to be designated as the Coordinator of the Maryland Right to Counsel in Immigration Proceedings program established by Senate Bill 317, and strongly supports the bill. This program is urgently needed to protect vulnerable, indigent Maryland residents and their families. An estimated 600 Maryland children per year are at substantial risk of permanent separation from their parents because of ICE’s enforcement actions against their parents. Those parents are held in ICE custody in Maryland or other jails, with no viable opportunity to post a bond for their release. If their parent loses their immigration hearing -- a loss that is exponentially more likely without an attorney -- the parent will be deported from the United States. The U.S. Supreme Court has long-equated deportation with “banishment or exile.”<sup>1</sup>

ICE may arrest and detain anyone who is not a U.S. citizen based on ICE’s belief that the person is deportable, including asylum applicants and long-time lawful permanent residents (“green card” holders).<sup>2</sup> ICE detainees are held in the same jails as those facing criminal trials or serving sentences, even though the ICE detainees may have had no contact with the criminal justice system and no conviction.

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<sup>1</sup> *Padilla v. Kentucky*, 130 S.Ct. 1473, 1484 (2010); *Delgado v. Carmichael*, 332 U.S. 388, 390-91 (1947).

<sup>2</sup> The immigration statute, 8 USC 1226(a) says that any noncitizen “may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States.” Further, subsection 8 USC 1226(c) says that ICE “shall” take into custody any noncitizen who was convicted of any of a very broad range of offenses, including simple possession of a small amount of marijuana. These provisions have been interpreted to mean that immigration judges do not have authority to set bonds for people held in this “mandatory detention.” *Demore v. Kim*, 538 U.S. 510 (2003).

Many ICE detainees have decades of work history in Maryland and extensive community contacts. Having a U.S. citizen spouse or children does not prevent ICE custody or deportation. When the parent is deported, this permanent exile often means the family bread-winner is permanently gone, leaving the family to struggle to make ends meet. A parent's deportation puts huge burdens on public support programs and in the worst situation, on the state's foster care system.

The startling but not surprising increase of an individual person's likelihood of success in immigration court -- of not being separated from their home and family -- has been well-documented by researchers. For example, the Vera Institute of Justice reports that:

*It is nearly impossible to win deportation cases without the assistance of counsel. Only 5 percent of cases that won between 2007 and 2012 did so without an attorney; 95 percent of successful cases were represented.*<sup>3</sup>

Appointing a lawyer to ICE detainees through this program would serve only indigent Marylanders who are not otherwise represented by counsel. Of course detainees and their families would be free to retain private immigration attorneys. This program would not assist detainees who are able to hire private attorneys.

Unfortunately, however, few private attorneys are willing, capable, and financially able to represent clients in ICE custody in their deportation hearings. Immigration law is extremely complicated, often being equated to tax law. Deportation defense is a subspecialty requiring even more specialized expertise. Practitioners must have intricate knowledge of numerous bases for deportation, case law interpretations, asylum case law, and the details of other defenses to deportation. Few private attorneys find the field is practically or financially feasible, especially adding the extra burdens of working with clients who are in ICE custody.

To meet the need and provide high-quality representation, the Office of the Public Defender, acting as Coordinator of this program, will assign indigent detainees' cases to Designated Organizations, whose staff have the expertise and the demonstrated capacity to provide high-quality legal representation to these vulnerable individuals.

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<sup>3</sup> Why Does Representation Matter? The Impact of Legal Representation in Immigration Court. <https://www.vera.org/downloads/publications/why-does-representation-matter.pdf>. See also Eagly and Shafer: [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf)

The Maryland Public Defender does not currently represent individuals in immigration proceedings or deportation hearings. Under the obligations imposed by *Padilla v. Kentucky*, we do provide individualized advice to our immigrant clients of the immigration consequences of their criminal charges and convictions. That is where our service ends, however. The result is that our former clients are left on their own in immigration court. ICE is represented in each case by an experienced attorney employed by the U.S. Department of Homeland Security. A few fortunate detainees are represented by the CAIR Coalition, under grants in similar programs from Prince George's County and Baltimore City,<sup>4</sup> but the vast majority lack counsel in these quasi-criminal proceedings and remain in jail throughout their deportation hearings.

The Maryland Public Defender's office is the appropriate entity and is highly capable to be the Coordinator of this program, with additional appropriations beyond our current budget to hire additional staff and necessary equipment and supplies. We have client-focused infrastructure long-established and functioning throughout Maryland. Our staff work daily with clients in jails and prisons throughout the state. We already operate an extensive program for identifying which clients need to be represented by private attorneys because of conflicts, and of appointing cases to those private attorneys and paying them accordingly. We anticipate some of those conflict referrals may be necessary if the Designated Organizations have conflicts or otherwise are unable to accept a particular detainee's case.

While focused on the immigration consequences of criminal proceedings, our Immigration Division will be able to provide valuable expertise and technical assistance to this effort. The Immigration Division is staffed by attorneys who have many years of deportation defense experience, and extensive contacts throughout the Maryland immigration legal community and beyond. Our Immigration Division already works collaboratively with CAIR Coalition, CASA, and other community groups to help our current clients, and those ties would be extended through this program.

For these reasons, the Maryland Office of the Public Defender strongly urges a favorable report on Senate Bill 317.

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<sup>4</sup> SB 317 anticipates respecting and coordinating with these pre-existing programs, and directing the relevant funding to those programs.

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Dwyer, Maura

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District **40**. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Maura Dwyer

3908 Falls Rd Baltimore MD 21211

Showing Up for Racial Justice Baltimore

# **Support of SB317 Universal Representation-UULM-MD**

Uploaded by: Egan, Ashley

Position: FAV



# Unitarian Universalist Legislative Ministry of Maryland

*Shared Voices for Liberal Religious Values in Maryland*

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## Testimony in Support of SB 317 - Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 27, 2021

Thank you for the opportunity to provide written testimony in support of SB 317 that will offer legal representation to poor people facing deportation.

Low-income immigrants are not provided attorneys to represent them, even though the stakes they face are as great as or more serious than those that criminal defendants face such as deportation, permanent separation from family, especially children, loss of liberty through detention in jails, death, torture, persecution in their country of origin once deported. Because immigration proceedings have been categorized as “civil”, the 6th Amendment right to effective assistance of counsel and court rulings such as *Gideon v. Wainwright* do not apply.

Legal representation can be the difference between winning and losing an immigration case in court and can mean the difference between life and death for those who have a credible fear of returning to their home country.

Individuals with legal representation are significantly more likely to win their cases. The VERA Institute reports that nationwide, immigrants with legal representation are 10.5 times more likely to win their immigration cases. Immigration laws are complex, second only to the U.S. Tax Code and a challenge even for trained lawyers. It is, therefore, unrealistic to expect a layperson to represent themselves, particularly if not fluent in English. Detained people also do not have access to evidence they need to prove their cases and ultimately to reduce the time in detention.

Closer to home, in the Baltimore Immigration Court, individuals with representation were four times more likely to win their cases while 81% of detained immigrants in Maryland had no legal representation at any point in their cases and only 7% of detained, non-represented immigrants in the Baltimore Immigration Court won their cases.

All people, regardless of their income, background, or merits of a case are entitled to due process under the law. Without a lawyer, multiple studies show, due process is unlikely. Consequently, like a public defender system, the government must provide lawyers to people who can't afford them.

I share my faith with more than 4000 Unitarian Universalists in Maryland and all of us affirm the inherent worth and dignity of every person and justice, equity and compassion in human

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relations, principles and values which are embedded in our constitutional right to counsel so that a fair and just hearing can be afforded to all and to ensure that those who seek asylum because of a credible fear will have the opportunity to have their arguments heard.

I urge you to vote in favor of SB 317.

Thank you for your consideration.

Jim Caldiero

Ellicott City, MD 21043

Email: [immigration@uulmmd.org](mailto:immigration@uulmmd.org)

Unitarian Universalist Legislative Ministry of Maryland, 333 Dubois Rd., Annapolis, MD 21401, (410) 266-8044, [info@uulmmd.org](mailto:info@uulmmd.org)

Sources:

The VERA Institute Report, The Case for Universal Representation,

<https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

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# **Support of SB317 Universal Representation-UULM-MD**

Uploaded by: Egan, Ashley

Position: FAV



# Unitarian Universalist Legislative Ministry of Maryland

*Shared Voices for Liberal Religious Values in Maryland*

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## **Testimony in Support of SB 317 - Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 27, 2021

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relations, principles and values which are embedded in our constitutional right to counsel so that a fair and just hearing can be afforded to all and to ensure that those who seek asylum because of a credible fear will have the opportunity to have their arguments heard.

I urge you to vote in favor of SB 317.

Thank you for your consideration.

Jim Caldiero

Ellicott City, MD 21043

Email: [immigration@uulmmd.org](mailto:immigration@uulmmd.org)

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Sources:

The VERA Institute Report, The Case for Universal Representation,

<https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

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# **Support of SB317 Universal Representation-UULM-MD**

Uploaded by: Egan, Ashley

Position: FAV





# Unitarian Universalist Legislative Ministry of Maryland

*Shared Voices for Liberal Religious Values in Maryland*

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## **Testimony in Support of SB 317 - Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Steve Eckstrand, Immigration Task Force, Unitarian Universalist Legislative Ministry of Maryland

Date: January 27, 2021

As a Unitarian Universalist my belief in the inherent worth and dignity of every person leads me to support SB 317: Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator.

Currently, people in deportation proceedings do not have a right to government funded counsel. Despite the grave consequences of deportation, many people have to represent themselves in immigration court. In Maryland, it is estimated that more than 500 people held in immigration detention are forced to represent themselves in immigration court each year. This denies the fundamental human right to due process and harms both immigrant families and immigrant communities.

This bill would create a program that would provide legal representation to people in immigration detention in Maryland and to Maryland residents in other states. It would also provide support to families of detained Maryland residents who are facing deportation. Most importantly, it would ensure access to counsel for the full length of deportation proceedings.

Such a program is clearly needed, since people without legal representation are several times more likely to be deported than those with legal representation. Both Prince George's County and Baltimore City have developed universal representation programs that have transformed the lives of immigrants facing deportation and their families. Certainly, Maryland can do the same.

Sincerely,

Stephen Eckstrand

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# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Esposito, Lindsay

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD 45. I'm proud to have been a resident of Baltimore City since 2008 and a homeowner and voter in the Greenmount West neighborhood for the last 8 years. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Esposito

434 E. Oliver Street

Baltimore, MD 21202

Showing Up for Racial Justice Baltimore

**SB317\_FAV\_ALTON SWABY.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Alton Lincoln Swaby  
(443) 409-6491

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Alton Lincoln Swaby and I am a resident of Hyattsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I was born in Jamaica. I have lived in Maryland for the last five years. I came to the United States because I met and married a United States citizen. We moved to the United States together to start our life. She never applied for my residency, as she said she would. We ultimately separated. It was not a good relationship for me.

Detention was a very depressing experience for me. I had never been in a situation like that before. I had never been locked up and was feeling hopeless. To be honest, I didn't know anything. I did not have anything in my country, I did not have anyone. I did not have family or anyone here to help me coordinate outside of the detention center.

I found out about CAIR Coalition from other people who were being detained in the detention center. No one was working for me. It meant the world to me to have a lawyer. My lawyer is very special to me because fought for me. I no longer felt alone. When I met my attorney, she gave me hope. She took care of everything. I did not even know what VAWA (Violence Against Women Act) cancellation was, - the law that helped me get protection – but my attorney walked me through everything.

I could not imagine doing this on my own. I didn't even have my phone with me. There was no way for me to do everything that I needed for my case. The attorney won my case and now I am building my own life. I attend a Christian church, where I am very involved. I also work as a cook in an Indian restaurant.

This bill is really important. Because a lot of times people do not have access to their family and to people who will help them. People in detention feel so hopeless and lost. They are the people who need help the most. Most of the people find themselves in detention because they didn't know what options they have. Some people had never been detained before. ICE picks us up and treats us like animals. That is wrong. Having an attorney helps us fight for our rights.

I urge a favorable report on SB 317.

**SB317\_FAV\_ANA DE JESUS SAENZ.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Ana de Jesús Sáenz  
(240) 510-6265

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Ana de Jesús Sáenz and I am a resident of Hyattsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I have lived here in Prince George's County, Maryland for approximately 15 years. During all this time, I have worked here. All this time that I have worked, I have paid taxes annually. Also, six of my grandchildren attend Maryland schools. Since I came to the country, I have worked and I will continue working until I can no longer.

My experience in detention was very scary and stressful. Arriving where you're considered a criminal, starting with the way you're locked up, with chains from hands to feet. And also, as I saw, humble people who are being treated as "criminals." This is motivated by the feeling of being part of a policy that dehumanizes us as migrants. While I was in there, I came to understand that for each of us in immigration detention, we have to confront an immigration system that considers us "violent" both inside and out of the detention center. This is something I hadn't realized until I was there. It had a big impact on me. I didn't know anything about this side of the system. I had never been in an immigration court.

My lawyer Lucia, from the organization Capital Area Immigrants' Rights Coalition, helped me with everything, to be able to stop my deportation that had been ordered since 2006 and to be able to fight for my case from here inside, without even seeing me in person. She was a huge help in my case and I'm happy to have been released. I am so thankful for the organization for that.

This is very important especially for immigrants like me who don't have a lawyer because lawyers help us fulfill our rights of being heard in immigration court, because not all of us have the funds to hire and pay for a private lawyer. If it weren't for the organizations fighting for people in detention centers, many people would be deported. For example, in my case, thanks to them, I continue to fight for my rights in this country and I have a work permit. I give thanks to each of you from the bottom of my heart, especially my lawyer Lucia who works on my case.

Please help legal organizations they can continue to support the immigrant community here in Maryland. I urge a favorable report on SB 317.

**SB317\_FAV\_CARLOS ALONZO.pdf**

Uploaded by: Gale, Leanne

Position: FAV



SB 317 – SUPPORT  
Carlos Alonzo  
[carlosalonzoavila@gmail.com](mailto:carlosalonzoavila@gmail.com)  
(504) 9549-7086 (El Salvador)

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

Hello everyone. my name is Carlos Alonzo it is a pleasure to be here for this cause. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I am from originally from Honduras but grew up in the States. I moved with my grandparents to Maryland at the age of nine (9) in 1986 to have a better life. I came from a poor family. I think like any kid that age, I struggled with fitting in and being accepted. I was laughed at because of the clothes that I wore, my hair, and my accent. Those experiences ultimately led me to selling drugs and joining a group of kids that did the same – which led me to committing a grave crime. I had a public defender that represented me in that case. I did not know then, but I was poorly advised. I had little communication with my lawyer. I had all the trust in them, and my ignorance in the law did not help me either. At the age of seventeen (17) I was sentenced to thirty-five (35) years to life. I spent the next years trying to better myself in every way possible, while at the same time filing post-conviction remedies on my own. Having no assistance forced me to read more about the law, yet this still was not enough to help me.

In total I did twenty-five (25) years in prison. In 2017, a new law was passed that allowed those that had committed a crime before the age of 18 to be resentenced. I was contacted the same public defender services that represented me in 1995. The only thing was that I was blessed to have a great team representing me this time around. They were with me every step.... on April 3, 2020 I was granted relief by the Superior Court of Washington DC. Because of the nature of the case and my immigration status, I had an ICE detainer pending and was then placed under their custody for deportation. I was referred to the CAIR Coalition, where I met the great Ms. Laura De Las Casas. I say great because her representation helped me decide one of the biggest decisions that I had to make in my life. I had to choose to fight my immigration case or choose to be deported away from my loved ones here in the States.

Ms. De Las Casas educated me in all ways by sending me cases and making sure that I understood all the information with phone calls. Having the necessary information, afforded me the opportunity to choose deportation – as I came to the realization that there was no winning this case. I had done too much time and the only thing that I wanted/needed was freedom. Ms. De Las Casas understood me, even though she advised me to think this through with time, I was sure of the choice that I made. Ms. De Las Casas told me that she would be there every step of the way until I got home. She kept her promise, even kept my family informed along the way. She did all she could to expedite my procedures. I remember that the last time I spoke to her while still in custody was 20 minutes before I boarded my flight for deportation.

I share these few words freely and gladly to allow you exposure to my experience, that there is indeed a great need to be represented. The laws are many, most too complex to be understood even when knowing how to read English well enough. I hope that what I have shared is enough to help the next man or woman that goes through these processes and that they are as well represented as I was, with empathy

and patience that is needed from them - knowing that at that moment we are facing the greatest moment of all! We need bills like these to be passed nationwide, but we can start here.

Thank you for your time and allowing me to share my experience! I urge a favorable report on SB 317.

**SB317\_FAV\_CRISTOBAL GOMEZ VILLAFRANCA.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Cristobal Gomez Villafranca  
(240) 815-2096

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Cristobal Gomez Villafranca and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I am the father of and primary provider for four children ages 19, 17, 13, and 12. I adopted the older two when I married my wife. All four children are U.S. citizens and so is my wife. We are part of a Pentecostal church. I have been going to that church for seven years. I help them with a lot of maintenance and with their events. I work in construction.

I have lived in the U.S. for 17 years. I came from Honduras. I left Honduras after Hurricane Mitch. My town was destroyed by the hurricane. I was left without a house and lost all of my money. It left our community vulnerable and gangs began to threaten us. The gang was taking advantage of my family. They tried to kill my grandmother and threatened to kill me.

I was detained by ICE in November 2019. I was detained for two months. It was a terrible experience. They were just waiting for me outside of my house. They had gotten my information from the DMV. My wife and daughters were there and they were crying as I was forced to the ground and taken away. Being detained took a terrible toll on my family. My daughters were struggling in school, my wife was depressed. It hurt my heart when they would come to visit me and see me locked up. They would cry the whole time.

My family was searching for a lawyer and our community in our church was helping us. A lawyer we found on our own turned us away and told us that our case was not worth pursuing. But the lawyers in CAIR Coalition did not turn me away, the lawyer took on my case. I felt like I could breathe again because I knew that someone was there to help me. I do not know what would have happened to me and my family if I did not have a lawyer. ICE kept pushing me to sign my deportation documents but I told them that I could not abandon my family.

When you are locked up, they do not tell you anything about what is happening with your case. I did not even know what a U visa was. I had been working with another organization that was supposed to be handling my immigration case. They never responded to me and never did anything with my case for five years. I lost thousands of dollars to them. There was no more hope for me, until I found my lawyer. There was now someone who knew the laws and knew how to argue my case in court. People in my community do not have the experience, we do not even know how to talk to the judge.

I ask you to consider how important this bill is. Our community struggles with employment. We are mistreated all the time. We struggle to make ends meet. We cannot afford to pay the huge fees. But having a lawyer is so important because you feel supported because there is someone in the court on your

side. I have many friends who went through their cases and didn't have lawyers who were separated from their families and deported.

I ask you to support this bill to help us, to keep our community and families together. I urge a favorable report on SB 317.

**SB317\_FAV\_JOSE ALDIN MALDONADO.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Jose Aldin Maldonado  
(443) 435-7113

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Jose Aldin Maldonado and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I was born in Honduras and I have lived in Maryland for three years. I have three children ages 4, 9, and 11. All three were born in Honduras, and fled with me. I am married and live with my wife. I work as an electrician.

I came to the United States in November of 2016. My family was being threatened by the gangs. They murdered my father and threatened me. Our lives were in danger and the police weren't doing anything to protect us, so we fled to the United States.

I was detained by ICE in December of 2019. I thought I had applied for asylum a year before, because I had paid an attorney a lot of money to do so, but they only took my money and did not apply. When I was detained by ICE, it was really difficult. I was constantly afraid that I was going to be deported. The first time I presented myself in court, I was by myself and did not know what was going on. It was very hard to be apart from my children; they are the most important thing in the world to me. I was so scared. I did not speak English. I did not know what was happening.

I found the number to CAIR Coalition in the detention center and called. I did not understand anything until my new lawyer began explaining everything to me. She gave me hope. My attorney handled all the paperwork. She knew everything we needed to do. Truthfully, she worked so hard for me. She worked with my family and walked us through everything. The lawyer that I had been struggling to pay before hadn't done anything to help me. But this attorney was free and she was working very hard for me. She was able to help me win asylum. Without a lawyer, I would have been deported and would have been separated from my family. I believe that I would have been killed.

People in these positions need lawyers who will actually help them and who won't just take advantage of them. They handle everything that we could not do on our own. My family was struggling so much already because I could not work to support them. Having free representation removed a burden from us. For many families, it is the same.

With the help of God, and an attorney, people can overcome some of their most difficult moments. Our countries have so much violence and pain. We need lawyers to defend us and save our lives.

I urge a favorable report on SB 317.

**SB317\_FAV\_JOSUE ZORTO CHIRINOS.pdf**

Uploaded by: Gale, Leanne

Position: FAV



SB 317 – SUPPORT  
Josue Zorto Chirinos  
571-835-1655

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is a Josue Zorto Chirinos and I am a resident of Hyattsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I came to the United States in 2004. I am from Honduras. I have three children ages 11, 16, and 18. My two youngest children are U.S. Citizens. I work in a recycling center.

I left Honduras because I was fleeing for my life. There had been an attempt on my life, so my ex-wife and I fled with our daughter.

I was detained by ICE in September of 2018. I was held for 6 months. Being alone, separated from your family, is very hard. Without my attorney, this experience would have been terrible. Without my attorney, I would not have won my case. I was a few days away from being deported when CAIR Coalition reached out me offering free representation. Not having defense in court is so detrimental.

I believe that this law is very important because a lot of injustices would be left unheard without this bill. Families would be left separated. Free counsel is so important. People in detention often don't have the resources to pay for an attorney. The attorney helps the detained person defend themselves and tell their stories.

I will always be thankful to, first of all, God, and then to my attorney, but also to the people of Prince George's County for helping me. Please listen to the importance of this bill, because there are many families in Maryland that are facing separation and other terrible outcomes without your help.

I urge a favorable report on SB 317.

**SB317\_FAV\_LAUREN RENEE THOMSPON.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Lauren Renee Thompson  
(443) 435-3583

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Lauren Renee Thompson and I am a resident of Baltimore, Maryland. As the wife of a former client of Capital Area Immigrants' Rights (CAIR) Coalition I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

My husband and I have been together for fifteen years. I am a U.S. Citizen and so are our four children. We were never clear about immigration laws and when we tried to get help from lawyers we found, they took our money and didn't do anything.

When my husband was detained by ICE in 2019, it was very difficult for my family. The kids were so upset because they didn't have a father. I had not worked a job in years, because I was the one who was taking care of the kids. To keep us financially afloat, I had to find a job during the night.

Our kids were very sad during that time. I would get messages all the time from their teachers about how they were struggling in school. Our children saw him be detained and thrown on the ground by ICE. I know this affected them a lot.

I stayed up at night during that time. I was so afraid that we were going to lose my husband and their father. Having a lawyer made a huge difference. We didn't know anything about law, especially immigration law. The attorney was a huge help. We couldn't afford a lawyer, so it meant a lot that it was free. She would reassure me and keep me updated on his case and tell me what was the best chance to get him home.

People in these situations do not know immigration law and everything that you have to do. You need a lawyer. Even though they do not give you one, you need one. Especially if you do not speak the language. You can't find out information and are left in the dark.

I urge a favorable report on SB 317.

**SB317\_FAV\_LOUISA DA-OCKIYA.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Louisa da-Ockiya  
[madamjoint@aol.com](mailto:madamjoint@aol.com), (240) 350-6896

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is a Louisa da-Ockiya. I am a Maryland resident and US citizen. As the mother of a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I have lived in the state of Maryland since 2003, roughly sixteen years now. For the past fourteen years I have worked as a healthcare provider with Capital Homecare, Inc. My children and I are a tax-paying family.

When I immigrated in 2003, I brought three of my children with me. I navigated the difficult and complicated immigration system alone over many years and was finally able to get my children where they needed to be. But my son did not acquire the status he needed. He continued to live with me, graduated from high school with honors, and started his own business. He had a daughter that he loves so much.

In 2018 immigration authorities took my son and locked him up in a county jail while they tried to deport him. It was not necessary to lock him up, he is not a dangerous man. But that's what they do. This incarceration brought me a lot, a *lot* of worry and anxiety. My son helped me pay rent and without him it was very difficult. He also helped me with my health needs.

We could not afford to hire a lawyer to represent him. Especially for those of us in this community who lack resources, this system punishes us because in a time of desperation we can be financially exploited by lawyers who charge more than you can imagine and whose quality of work we cannot trust. This jail system places a large financial burden on families, and it is immigrants and members of the Black community who are the ones victimized the most.

But the Prince George County Universal Representation program gave us peace of mind. When we met with CAIR Coalition and saw that they were genuinely working for our best interest and outcomes we trusted that things would work out OK. When I learned the program was funded by the County, it changed my perspective and made me thankful that this County is one of the first in the U.S. to have our backs like this.

Many immigrants are low-income people until their circumstances improve. Any help that Prince George's County gives us will be reinvested in the community. My family is an example of that. Because of the Prince George's County universal representation program, my son will have a chance to stay here, go to work, go back to being a father, and go back to contributing taxes. Hopefully he will be re-opening his old local business.

I hope that many more people can experience the help that my son did and continues to receive. I urge a favorable report on SB 317.

**SB317\_FAV\_NANA SARPONG.pdf**

Uploaded by: Gale, Leanne

Position: FAV

SB 317 – SUPPORT  
Nana Sarpong  
nstarpong@gmail.com, (202) 489-2662

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Nana Sarpong and I am a resident of Beltsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I have one son; he is four. I am married and have been for 6-7 years. Both my wife and my son are US citizens. I work as a contractor. I am from Ghana, but I have lived in the U.S. for eleven years.

I was detained by ICE in June 11, 2018. I was held for a little over a month. It was very hard. I will never be able to forget this experience. My wife was working so much. I was the one staying at home to raise our son who was only two. She was having to cut back on hours to take care of our son while I was detained. This impacted us economically. I felt like it was an injustice. I wasn't trying to run from ICE.

Before I had a lawyer, I was locked up and couldn't handle things on my own. I was struggling to find a lawyer. CAIR Coalition reached out to me and told me they would take my case for free. Having a lawyer helped so much. My lawyer sat with me and discussed my whole situation with me. Just the way she talked to me, made me feel like she was listening to me. She made me know what my rights were. Considering what I was seeing, people being deported and separated from their families over night, I do not know what would have happened to me. I met so many other people in the detention center who were lost and hopeless because they did not have a lawyer. It did not feel right.

For what happened to me and what I have seen, this bill is so important because there are so many people in our community who need this bill. I saw so many stories of people who were being separated from their families. I met people who were young and had spent their whole life in the U.S., people who had no one at their country, people who were afraid to be killed. People like them and me need a right to lawyer who will tell us what our rights are and make sure that we are not take advantage of.

I urge a favorable report on SB 317.

**SB317\_FAV\_PATRICIA GUEVARA.pdf**

Uploaded by: Gale, Leanne

Position: FAV



SB 317 – SUPPORT  
Patricia del Carmen Banos Guevara  
(443) 409-6491

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is a Patricia del Carmen Banos Guevara and I am a resident of Baltimore, Maryland. As the wife of a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

My husband, Marvin Dubon Miranda, was detained by ICE for several months in 2018. My husband and I met in 2015. He has one son from a previous marriage. Marvin and I have lived together for five years in Maryland. We attend a church in Baltimore. My husband works at a painter. I cannot work because of my health condition. I was treated for TB and meningitis and so I was left with a bad foot and a weak heart. I am also being treated for an end stage renal disease. I undergo dialysis almost every day.

My husband was detained by ICE in July of 2018. That was a terrible time in my life. My life was so unstable. I was very sick at that time, and he was the only person who supported me. When he was detained, I felt like the world came down on me. I was so afraid that he would be returned to El Salvador and I would be left here alone. He had fled the country because he had been perused by the gang, he was being extorted and they were threatening him and his son. I was so afraid that he would be killed if he was deported. His son suffered so much during that time. He was always crying and sad, it was a very hard 10 months for him too.

A friend of my husband's got him the phone number for CAIR. Thanks to God, we were able to get free representation. Our lawyer worked so hard on our case. When you have a lawyer in immigration proceedings, ICE pays more attention to you. They treat you and your case with a little more respect. The lawyer kept me up to date on how my husband's case was going; she showed me how I could help him. To this day, she still is on our side, defending us.

Without an attorney, my husband would have been deported. The judge would not have known how important it was for him to stay. They would not have had an understanding of our lives.

This bill is a necessity. It is a bill to keep families together. When he was detained, I searched so much for a lawyer. They would tell me ridiculous prices, that I could not afford. This bill will keep families together and give people new opportunities to keep their families safe.

I urge a favorable report on SB 317.

**SB317\_FAV\_FAUSTO JUAREZ.pdf**

Uploaded by: Guerrero, Lorena

Position: FAV

SB 317 – SUPPORT  
Fausto Herrera Juarez  
(240) 815-2096

**SB 317 – SUPPORT**

Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator  
Senate Judicial Proceedings Committee  
January 27, 2021

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Fausto Herrera Juarez and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 317: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I was born in Guatemala. I came to this country five years ago, when I was 19 years-old. I fled from my country because my family was heavily involved in politics. We were accused and ostracized. We were discriminated. I lost my brother because of this. To this day we have not had justice. We do not know who killed him.

I have one son who is two years old. He is a US citizen. I am married to Carla Marcela, who I met here. I go to a Christian church in Baltimore. I help them with events to gather new people.

I was detained by ICE in November of 2019. I was separated from my young son. It was very difficult for my family. I was the one who supported our household. My wife had to financially support us and raise our son. Being in detention was something that was very difficult. I speak Spanish and did not know what was happening. I just assumed I was going to be deported.

While I was in detention, someone told me about CAIR Coalition and I was able to contact them and get help from the attorney Monica. It is something very helpful. She helped me understand everything that was going on. She coordinated with my wife and family and helped them understand my case as well. Without her help, I would not be able to be in this country. I am so thankful for Monica. She fought very hard for me and my family. I was filled with so much joy when I was reunited with my wife and my son. It is something that I cannot describe in words. Now I can work on our lives and our future.

I think this bill is very important. Often we struggle financially. It can be very expensive. This help is incredible. This can mean the difference for so many people. There are so many more people who need help like I did.

Due to my experience in detention, and how much my situation changed when I had a lawyer, I urge a favorable report on SB 317.

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Hauck, Barbara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am also a longtime member of Baltimore's vibrant theatre community, and the Artistic Director at the Fells Point Corner Theatre. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, but it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,  
Barbara Hauck (she/her)  
3420 Harford Road  
Baltimore, MD 21218  
Showing Up for Racial Justice Baltimore

# **SB0317 Written Testimony A Juberg.pdf**

Uploaded by: Juberg, Arielle

Position: FAV

Arielle Juberg  
Baltimore, Maryland  
District 8

Testimony in Support of Bill SB0317, Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator

To: Chair Smith and members of the Senate Judicial Proceedings Committee

From: Arielle Juberg

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice in Baltimore and Casa de Maryland's Ally Network.

I am in strong support of SB0317, Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator. This bill is about access to justice through counsel, and as representatives in our government, I sincerely hope this issue matters to you.

I have lived in several countries where I did not speak the predominant language and had little understanding of the judicial system. Whenever I needed to complete an administrative task, such as obtaining a visa, I worked with a native speaker who knew the judicial system inside and out. Immigrants who are currently detained throughout Maryland may be very much like me – they may not be proficient in English or familiar with the American legal system and its proceedings. However, unlike my case, the vast majority of detained immigrants in this state had no legal representation at any point in their case. This situation is unacceptable.

The current situation is particularly egregious considering the consequences of these legal proceedings. These men and women may lose their liberty through imprisonment, be deported and separated from their loved ones, and risk violence, harassment, and persecution in their destination countries.

We have evidence that universal representation provides necessary services to vulnerable detained immigrants in Maryland, including asylum seekers, longtime legal residents, and people brought into the United States as children. Across the country, thirty-nine percent (39%) of clients of the SAFE Network (which includes Baltimore residents) entered the US as children. Furthermore, twenty-five percent (25%) of clients were possible survivors of human trafficking, intimate partner violence, or victims of crime. This was even higher for female clients.<sup>1</sup>

To every member of the Judicial Proceedings committee who has publicly stated that they oppose human trafficking and seek to support victims of crime – this is your opportunity to stand behind your words. The current system in Maryland perpetuates systemic injustices in our legal system. I respectfully urge a favorable report for Bill SB0317 so that this injustice can be corrected.

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<sup>1</sup> The Vera Institute. SAFE Network Announces Expansion and Celebrates Successes at One Year. <https://www.vera.org/newsroom/safe-network-announces-expansion-and-celebrates-successes-at-one-year-a-dozen-communities-united-to-provide-public-defense-to-immigrants-facing-deportation>

# **Universal Rep Testimony\_SB 317\_Maryland Carey Law**

Uploaded by: Kahrl, Gabriela

Position: FAV



Written Testimony IN SUPPORT of  
Senate Bill 317 for Universal Representation

**Maureen A. Sweeney, Director & Gabriela Quercia Kahrl**

**Immigration Clinic**

**University of Maryland School of Law**

The Judicial Proceedings Committee is undoubtedly aware that the Biden Administration has ordered a series of changes within the immigration system to reverse some of the more dangerous and inhumane practices of the last four years. The immigration clinic applauds the new administration's efforts, like memorandum to "preserve and fortify" the Deferred Action for Childhood Arrivals (DACA) program and the introduction of the U.S. Citizenship Act of 2021, which would give our nation's immigration system a much-needed overhaul. However, these actions do not go far enough to address fundamental issues within our immigration system, and the state of Maryland can and should do more for its residents to ensure that they have access to representation to ensure a just outcome to their immigration proceedings.

For the past 17 years, the immigration clinic has represented Marylanders in the Baltimore Immigration Court, offering a critical but insufficient stopgap. The work of the clinic brings us into contact with all local immigration government bodies with jurisdiction over Maryland residents, including the Baltimore Immigration Court, Baltimore ICE, the Baltimore Office of Chief Counsel, and U.S. Citizenship and Immigration Services, which handles immigration petitions and applications. The Clinic has also represented many detained people and has therefore had a lot of contact with the local Maryland jails that house ICE detainees in Frederick, Howard, and Worcester counties.

For every community member that the immigration clinic represents, there are many more that need access to representation to navigate the byzantine immigration process. While the Biden Administration has the potential to end some of the harshest policies of its predecessor, past Democratic administrations have demonstrated that they are more than willing to enforce immigration laws and impose detention and deportation orders on those lacking access to due process. President Clinton deported over 12 million people, and President Obama, with then Vice President Biden at his side, was famously dubbed the "deporter in chief" by immigrant rights organizations.<sup>1</sup> History demonstrates that the change in administrations will not be enough to ensure fair and equitable outcomes within our immigration courts, and we must be proactive to protect our community members from future injustice.

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<sup>1</sup> The Obama Record on Deportations: Deporter in Chief or Not?  
<https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not>

Even if the Biden Administration's proposals are fully adopted and implemented, there will still be a critical need for the Maryland General Assembly to provide legal assistance to detained, indigent Marylanders who face deportation in immigration courts. None of the federal proposals offer universal representation, leaving the issue squarely within our state's purview. Because of changing requirements, the new laws will heighten the need for legal assistance to ensure that immigrants can adapt their claims to the new system. Furthermore, the proposed actions will not mitigate the inherent reality that those without representation are far less likely to succeed in their claims, regardless of merit.

Unrepresented detained individuals are more likely to request deportation simply because they cannot fill out a form. All applications must be submitted in English; for non-lawyers, this is a near impossible task to do in one's native language, let alone in a foreign one. Detained individuals who are not represented have no one to help them fill out the applications in English. The immigration clinic's recent bond observation project witnessed many individuals choose deportation because they could not fill out an application in English and had no legal representation.

Lawyers offer a critical line of defense to ensure that Maryland residents are not unjustly detained in ICE detention centers while they await their hearings. Although the Biden Administration seeks to change detention priorities, it is poised to continue detention practices, further underscoring the need for legal intervention to prevent costly detentions that drain state coffers. Because of the stress of detention, and the speed at which proceedings occur once someone is detained, people are four times less likely to win the right to remain with their families in the United States.<sup>2</sup> Additionally, the COVID-19 pandemic means that representation has potential life or death consequences for both detainees and correctional officers, with over 20 COVID-19 fatalities in Maryland facilities.<sup>3</sup>

The fact that Maryland does not provide a lawyer for people facing an immigration hearing short-circuits due process and is blind to a number of realities in our immigration system. First, many of those facing deportation are longtime legal permanent residents who have deep ties to our communities and often have U.S. citizen and legal resident families who rely on them. The hardships suffered by these family members reverberate through our communities long after a

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<sup>2</sup> Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf).

<sup>3</sup> Maryland inmate coronavirus death toll increased to 17 as questions remain over state's vaccination schedule <https://www.baltimoresun.com/coronavirus/bs-md-coronavirus-inmate-deaths-pandemic-20201231-6ugs3gl6urconi6wkp5z25u6m-story.html>, and Two more Maryland correctional officers died of COVID-19, union says while accusing state of downplaying scope of the problem <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-coronavirus-prisons-cases-deaths-20210122-nbg2srqd5bds7custs7xz4uvqg-story.html>.

permanent resident is deported, creating burdens that unnecessarily hinder Maryland's potential. Each deported person represents one less consumer for local businesses, and one less taxpayer for the state treasury.

Second, the simple fact of having a lawyer does not guarantee that an immigrant will be able to avoid deportation, but it does give the individual a fair shot. Immigration judges represent an important – and the appropriate – layer of protection for our communities. An individual with a lawyer has a fair opportunity to present their case to the judge, but the judge still gets to decide whether the person represents a danger to the community and should be deported, or whether factors such as family hardship, the age of a conviction, or evidence of genuine rehabilitation weigh in favor of relief from deportation.

Third, lawyers help make the immigration system more efficient by fine tuning the application of existing statutes through legal precedent. Through their representation, lawyers have been able to establish precedent at the 4th Circuit level to make future interpretations of complex immigration statutes clearer. For instance, the decision in *Martinez v. Sessions* helped clarify uncertainty between interpretations of the Immigration and Nationality Act and Maryland statutes related to theft. Because of this, immigration judges can operate with greater efficiency in properly applying immigration statutes as intended.

Here are two examples of clients the Clinic has represented who whose claims would have likely failed if they were forced to represent themselves without a lawyer. Anna Fritz<sup>4</sup> was convicted many years prior of possession with intent to distribute because she lived in the house with her abusive, drug-dealing husband. The conviction was so old that DHS chose not to pursue her deportation for it during the Obama Administration. We advised her and helped her apply for naturalization, which was granted. She is now a United States Citizen. She has not had any further contact with the criminal justice system in the decades since her conviction.

Victor Krow, a legal permanent resident from Liberia, was convicted of felony assault on a police officer when he struggled with police who arrested him in the midst of a mental health crisis. At the time of his arrest, he was walking through traffic, talking to himself aloud, and banging on the hoods of people's cars. He was later diagnosed by a physician with a psychiatric disorder. He was a refugee who survived significant trauma in his wartorn home country, where he had no connections and would have been deported. Because he had the benefit of pro bono

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<sup>4</sup> \*Names in this testimony have been changed to ensure confidentiality.

representation, he was able to remain in the United States and retain his legal permanent resident status.

The thing we know makes the biggest difference in complicated immigrant proceedings is having a lawyer. The need for legal representation in immigration court is critical to ensuring the success of meritorious claims. Decisions about who is deported should be made by the experts – immigration judges, who can make fair decisions after someone has a fair chance to present their case with the help of a lawyer.

# Ana Benitez\_FAV\_SB317.pdf

Uploaded by: Katz, Nick

Position: FAV

**Ana Benitez, Testimony in SUPPORT of SB317**

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

January 27, 2021

Dear Chairman Smith and Members of the Committee:

My name is Ana Benitez. I am a member of CASA and I have been living here in the United States for 22 years. I want to share my story to illustrate the importance of universal representation in Maryland. For one year now, my husband has been in ICE detention.

He was arrested by Baltimore County Police on the night before Christmas, December 24, 2019. That night changed everything. After he was arrested, he was held in the Towson jail for two months until ICE agents transferred him to Virginia, where he remains detained. The situation has been terrible for us, especially for my children because he was the one who provided financial support to our family. Now, I am the head of the family. I don't have that many hours of work, so I don't hear much and I can't afford to pay for the house. It has been very hard during the pandemic. Going through everyday life with a husband and father in detention is terrifying.

Our children are citizens. They were born in this country and they miss their dad very much. My 8 year old daughter wakes up at night crying, remembering when her father would come home from work and play with her. Since he was arrested we have not seen him in person. We had to find out through a video call that he got COVID-19 in detention. He tells us that he would like to be with us and regrets the situation that we are going through. He is very depressed.

Immigrants in detention do not have a right to a lawyer. When he first got arrested, I had to hire a private lawyer. It cost me \$6,000. It was so expensive that I could only pay for two months.

I fear for my husband's life if he were deported. El Salvador, where he is from, is not safe for him. Both his father and cousins were murdered there by gang members. Those same gang members attacked my husband and threatened to kill him before he fled to the United States. Without a lawyer, there is no chance for my husband to stay here and make his case for asylum.

Thank you for taking the time to read my letter. Having a lawyer could change whether my husband get out of detention or not. Please pass SB317 to keep families together. Everyone should be able to have a lawyer, even if they don't have the money. Thank you.

**CASA\_FAV\_SB317.pdf**

Uploaded by: Katz, Nick

Position: FAV



January 27, 2021

Chairman William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
Maryland Senate  
Annapolis, MD 21401

**Re: CASA Testimony in SUPPORT of SB317, Right to Counsel in Immigration Proceedings**

Dear Honorable Chairman Smith and Members of the Committee:

We are writing to express our strong support for SB317, establishing a right to counsel for detained immigrants. CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members in Maryland. Our mission is to create a more just society by building power and improving the quality of life in working class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much needed services to these communities, helping to ensure that low-income immigrants are able to live rich and full lives. Sadly, for much of that time, our nation's broken and punitive immigration system has attacked those same communities, exposing them to constant risk of detention and deportation. Every year thousands of immigrants come through CASA's doors seeking legal counsel, many of them impacted by immigration detention in one way or another.

In partnership with amazing local partners like the CAIR Coalition, as well as national allies like the Vera Institute of Justice and the Center for Popular Democracy, CASA has tried to fight against those attacks by supporting families and communities who have been victimized by ICE raids and attempting to connect affected individuals with legal assistance and other vital services. In areas where these efforts have been supported by local government, such as Prince George's County and Baltimore City, we have seen dramatically better results for immigrants in detention. However, these programs are limited in scope, only able to represent a fraction of even their residents who are facing immigration detention, and not able to extend beyond their local boundaries. We need a strong, statewide commitment to representation for detained individuals in Maryland, and those who are Maryland residents regardless of where they are detained. That is what SB317 does.



In establishing this right to representation, SB317 also acknowledges the vital role that community based organizations like CASA play in helping to protect immigrant communities from ICE abuse and rapidly facilitate the connection between families and service providers when an ICE raid does occur. The bill allows the coordinator to designate community groups to engage in education and outreach to vulnerable communities, ensuring that at-risk individuals understand their rights and have the greatest opportunity to prevent them from being permanently separated from their families and communities. Often the victim of an ICE raid will be the primary breadwinner in a home, making it incredibly difficult for their family to afford necessities like rent and food, let alone hire a lawyer. Community organizations can help connect the family to support services, while helping to marshal the resources of the community to aid in the individual's defense.

In addition, community organizations can often be the most efficient way of connecting those in detention with counsel at the earliest possible moment. Unlike defendants in the criminal justice system who are automatically entitled to government-provided counsel, immigrants in detention have no such automatic right. Rather, they must affirmatively find, and pay for, their own attorney from behind prison bars. Needless to say, this is a monumentally difficult task and a primary reason why more than 80% of detained immigrants currently have to fight their case without an attorney. Organizations like CASA, who have the trust of the immigrant community, can help bridge that gap by serving as a link between the detained individual (or their family) and a service provider. CASA is routinely contacted by individuals who have loved ones in immigration detention, seeking help. Currently, unless those individuals are residents of Prince George's County or Baltimore City, there is no effective way for CASA to help connect them with support. SB317 would change that, by enhancing Maryland's commitment to community organizations and guaranteeing that we are able to connect these families with zealous counsel.

Providing individuals who are being denied their liberty with access to counsel is a matter of fundamental fairness and comports with the due process principles that form the foundation our justice system. Beyond being the morally correct thing to do, however, providing representation to these individuals is good public policy. Not only does it serve to help keep families together, get hard-working individuals back to their jobs and contributing to the economy faster, it helps guard against potentially dangerous abuses by federal immigration officials. This has been especially true during the COVID-19 pandemic, when ICE jails have become incubators for the virus, leading to thousands of infections and even deaths. The efforts of lawyers from CAIR Coalition, the American Civil Liberties Union and others have helped to shed light on these abuses, and secure the release of detainees before they contract COVID-19 and spread the disease. Unfortunately, because most individuals lack access to counsel, the full scope of ICE's abuse during this pandemic are far from clear.

During the COVID-19 pandemic, we have also seen ICE expand on a tactic it has long employed to transfer detainees to far-away detention centers, where access to counsel and community resources are even more limited. CASA has intervened to try to connect

several Maryland residents detained in Georgia with referrals for immigration attorneys, but without a government-funded system to access a lawyer, it is incredibly difficult to get quality representation to help fight your case so far from home. That is why it is crucial that SB317 includes a right to counsel for Maryland residents regardless of where they are detained, and authorizes the coordinator to fund their representation by a qualified private attorney, law school, nonprofit organization or other provider. This model ensures that the federal government cannot deny Marylanders of their rights simply by flying them to far-flung regions of the country. It also creates an opportunity to build legal defense networks in some of the most remote areas, where the government increasingly seeks to contract for immigration detention as more progressive states decide not to participate in the broken and deadly immigration detention system. Maryland can serve as a model here for other states, setting the bar for how to ensure our residents access to justice.

When representation works, it can save lives. CASA is currently representing a woman who was transferred to immigration detention after being charged with a low-level, non-violent crime. The charge was dismissed, but once ICE got a hold of her, she was trapped in their detention machine. ICE used her criminal history, comprised entirely of non-violent charges born out of a life of exploitation and almost none of which resulted in a conviction, to paint her as a “criminal alien” and seek to keep her detained. Luckily, she won bond and is now able to fight her case with access to the resources she needs to hopefully remain in the United States and continue to support her United States citizen daughter. Without representation, she likely would have been deported to a country she fled decades ago where she continues to fear for her life.

Of course, providing counsel to detained immigrants is not nearly enough. In order to achieve true justice, we must do much more to end our state’s complicity in a broken and dangerous federal immigration enforcement regime. Along with SB317, Maryland should finally pass a statewide TRUST Act, ending collaboration between local law enforcement and ICE, as well as the Dignity Not Detention Act, which would take Maryland out of the business of immigration detention. We should ensure that the privacy of our immigrant community is protected and prohibit federal officials from using our databases to prey on immigrant Marylanders. Instead of empowering the rogue agencies who seek to disrupt our communities, we should invest in them, helping to protect those most vulnerable from eviction and hunger, ensuring their access to quality health care and continuing our commitment to the highest quality public education for all of our children. And we can and must grapple with the issues of racial justice that have become so apparent in recent months, but have existed for generations.

Increased immigration enforcement and detention have deep implications for racial injustice. Communities of color, particularly Black communities, which are historically over-policed, over-charged, and over-prosecuted in the criminal justice system encounter a similar systemic prejudice in the immigration system. Black immigrants make up 5.4 percent of the undocumented population in the United States but 20.3 percent of those facing deportation on criminal grounds. Universal representation not only serves to address inequity of income in the immigration courts, but also the compounded racial

disparities affecting immigrants of color at the intersection of the criminal and immigration justice systems.

Representation alone is not enough to undo the decades of systemic issues facing immigrants in the United States, but a publicly funded deportation defense serves as a necessary check on an unjust system. And as we work toward a better system, everyone facing deportation deserves representation.

CASA strongly supports SB317 and urges a favorable report from the committee.

Sincerely,

/s/ Nicholas Katz

Nicholas Katz, Esq.  
Legal Director, CASA



**Karen Mejia\_FAV\_SB317.pdf**

Uploaded by: Katz, Nick

Position: FAV

**Karen Mejia, Resident of Riverdale, Prince George's County**

**Testimony in SUPPORT of SB317**

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

January 27, 2021

Dear Honorable Chairman Smith and Members of the Committee,

My name is Karen Mejia. I am asking, on behalf of my brother who can not be here, for your support on SB317. He can not be here to testify in support of this bill because he was deported in August last year.

My brother was detained in the Howard County detention center for several months before getting deported. He endured horrible conditions like not receiving the necessary food and medical care in a center where immigrants were treated as the worst. My brother was robbed of his freedom and humanity during his last months in this country.

During COVID-19, so many people, including our family, have suffered financially. We could not afford a lawyer to fight his case. If we had a lawyer, my brother might still be here with me today. He would have been able to spend Thanksgiving with us. I always cook him chicken since he doesn't like turkey. He would have been able to spend Christmas with us. He would have been able to see and celebrate the birthday of his beautiful daughter who turned eight years old a weeks ago. The holidays have been so hard. Everyday has been tough. I miss him so much these days.

I miss my brother. He was one of the few family members that I have in this country. No one deserves to be locked up in a cell simply for being an immigrant and no one deserves to have to face deportation without a lawyer.

Please support and fight with your soul this year to pass SB317 so that people like my brother aren't deported because they cannot afford a lawyer.

**Sosima Morgan\_FAV\_SB317.pdf**

Uploaded by: Katz, Nick

Position: FAV

**Sosima Morgan, Resident of Annapolis**

**Testimony in SUPPORT of SB317**

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

January 27, 2021

Dear Chairman Smith and Members of the Committee,

My name is Sosima Morgan and I am writing today to ask for your support on SB317, a bill that would help so many immigrant families that do not have money for a lawyer.

I am from Mexico, but I have been living in the United States, here in Annapolis for 17 years. I live here with my son, Willians and my granddaughter Stefanie. My granddaughter is 10 years old and attends Windsor Farm Elementary School. She is the joy of my life. But when she was born, I had to fight so that my son, her father, could be present in her life.

Ten years ago, my son was detained by ICE. He was picked up by ICE in a raid at his workplace, along with five other men who are all good and hardworking people. Many of those men also had families here in Maryland. During the raid, they arrested my son, and to this day, I do not understand why because my son has never committed a crime, or even had a traffic violation.

My son suffered for a month in detention. Once he was detained, I searched everywhere to find a lawyer. It took me ten days to find a reliable lawyer. The attorney collected \$6000 to represent him and we also had to pay a \$5000 bail. In total, I had to pay around \$11,000. I fought to be able to pay this lawyer. I had to borrow money from my family and friends to be able to pay the lawyer.

After speaking with the lawyer, I learned that the officers were accusing my son of being part of a gang to justify his arrest. My son had to explain that his tattoos had no gang connection. His tattoos were images of a rosary, praying hands and his grandmother's name. They racially profiled my son because he was Latino and had tattoos. This almost destroyed my family.

Despite the financial hardship it was for me and my family, my son was able to get released from the detention center because he had legal representation.

After he was released from detention, his case went on for two years that resulted in several more court visits and more expenses. Immigrants in detention should have a right to defense. Families with fewer economic resources should have access to a public immigration lawyer because they deserve justice too.

I ask that the committee support SB317. Thank you for reading my story.

**SB317 Testimony - Rev Belsom Zellmer.pdf**

Uploaded by: Kickenson, Jerry

Position: FAV



SB-317: SUPPORT

Rev. Charlene Belsom Zellmer, MDiv

[cbzellmer7@msn.com](mailto:cbzellmer7@msn.com)

301.442.6448

District 16

## **SB317 SUPPORT**

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

Senate Judicial Proceedings Committee

January 27, 2021

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

As an Interfaith Minister and more than 50-year resident of the State of Maryland in District 16, I strongly support SB317. Because the bill would require the Attorney General to coordinate legal representation for Maryland residents facing detention and deportation in Immigration Court, I urge you to consider its passage on moral and humanitarian grounds.

Our immigrant neighbors face crushing fears and threats. They FEAR separation from their families, most of which were established while residing, working and paying taxes in our communities. They are vital assets to our State and many are the so-called essential workers who have kept us safe, nourished, healthy and well cared for during this pandemic crisis. They have been unduly THREATENED with deportation proceedings in recent times due to the harsh and cruel enforcement mandates of the prior federal administration. They deserve access to counsel, due process under the law, regardless of income, background or merit of case. Studies have shown that individuals without representation are less likely to obtain due process.

I minister to our immigrant neighbors and see the pain they have suffered for far too long. Let us protect their family unity by providing strong counsel so that justice may be served in their cases. They are our neighbors, friends, family, and beloveds. Let all of us in this State assure that they are treated with compassion and understanding. Maryland can lead the way with this bill. Other jurisdictions have adopted such supportive programs for their residents with great

success. See <https://www.vera.org/the-human-impact-of-universal-representation> for a look at how we can lead with love.

I urge a favorable report on SB317.

With hope for peace and justice through love,  
Rev. Charlene Belsom Zellmer, MDiv

# **Testimony in support of SB0317 - CAN.pdf**

Uploaded by: Kickenson, Jerry

Position: FAV



**faith. love. liberation.  
fe. amor. Liberación.**

**Testimony in support of SB0317**

**Right to Counsel in Immigration Proceedings Coordinator**

To: Hon. William Smith, Jr., Chair, and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: January 27, 2021

We are writing in **support of Senate Bill 0317**, Right to Counsel in Immigration Proceedings Coordinator, on behalf of the Congregation Action Network. The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated, and never feeling unsafe in their own communities.

SB0317 would empower the Office of the Public Defender to coordinate legal representation for Maryland residents facing detention or deportation in immigration court. Having legal counsel has been shown to be the critical difference in whether an immigrant gets to be free pending adjudication of his or her asylum request, and whether an immigrant is deported or is allowed to live freely and safely with his or her family in America. Keeping families whole is a fundamental tenet of our faith traditions.

We strongly urge you to reach a favorable report for SB0317. It will provide true due process to all residents of Maryland facing loss of their liberty and home. It is the right and moral thing to do.

Respectfully yours,

Jerry Kickenson

Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells

Cluster Leader, Congregation Action Network (Prince George's County)

**MD Catholic Conference\_FAV\_SB0317.pdf**

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**January 27, 2021**

**SB 317**

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

**Senate Judicial Proceedings Committee**

**Position: Support**

The Maryland Catholic Conference (“Conference”) represents the public-policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 317 establishes that certain individuals have a right to legal representation in certain immigration proceedings; establishing the Right to Counsel in Immigration Proceedings Coordinator in the Office of the Attorney General to manage services and resources in order to provide all covered individuals with access to certain legal representation; requiring the Coordinator to designate appropriate community groups to provide outreach and education services to individuals and communities impacted by immigration detention

The foundation of Catholic Social Teaching is the recognition of the life and dignity of the human person. The Church’s care of and concern for immigrants directly flows out of our belief that every immigrant is endowed with God given dignity and ought to be treated with love and respect. In fact, *“The Church supports the human rights of all people and offers them pastoral care, education, and social services, no matter what the circumstances of entry into this country, and it works for the respect of the human dignity of all especially those who find themselves in desperate circumstances”* (2000, *Welcoming the Stranger Among Us: Unity in Diversity, A Statement of the U.S. Catholic Bishops*).

Our legal system rests upon the principle that everyone is entitled to due process of law and a meaningful opportunity to be heard. But for far too long, the immigration system has failed to provide noncitizens with a system of justice that lives up to this standard. Thus, Senate Bill 317 will provide essential legal representation for our most vulnerable population in pursuit of a common good within our society.

The Conference appreciates your consideration and urges a favorable report for Senate Bill 317.

# **SB317 Universal Representation Testimony LK.pdf**

Uploaded by: Kronser, Lori

Position: FAV

Dear Senators Smith and Waldstreicher, and the Judicial Proceedings committee members,

I am a resident of District 23B and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of Senate bill number SB317, which provides legal representation to detained Maryland residents facing deportation. I am a recently retired 36 year veteran teacher in Prince George's County and I attend Ark and Dove Presbyterian Church in Odenton.

Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial, and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

It is for these reasons that I am encouraging you to vote in support of SB317.

Thank you for your time, service, and consideration.

Sincerely,  
Lori Kronser  
12800 Holiday Lane  
Bowie, MD 20716



# **SB317 - Jerry Kickenson.pdf**

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Jerry Kickenson  
Silver Spring, MD 20902

**TESTIMONY IN SUPPORT OF SB317**

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

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee  
**FROM:** Jerry Kickenson

My name is Jerry Kickenson, and I live in Silver Spring, District 18. I am writing in support of SB317, Right to Counsel in Immigration Proceedings Coordinator.

Our sacred texts in Jewish tradition teach us to welcome the stranger, for we were strangers in the land of Egypt. Leviticus 19:34 explicitly instructs us to treat the immigrant in our land the same as native citizens.

SB317 would provide legal representation for Maryland residents facing detention or deportation in immigration court. Having legal counsel has been shown to be the critical difference in whether an immigrant gets to be free pending adjudication of his or her asylum request, and whether an immigrant is deported or is allowed to live freely and safely with his or her family in the U.S. Keeping families whole is a fundamental tenet of many faith traditions.

**I respectfully urge you to reach a favorable report for SB317.** It will provide true due process to all residents of Maryland facing loss of their liberty and home. It is the right and moral thing to do.

# **SB317 - Joanna Silver - Takoma Park Mobilization.p**

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Joanna Silver  
Silver Spring, MD 20902-4010  
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**TESTIMONY IN SUPPORT OF SB317**

**Office of the Public Defender - Right to Counsel in Immigration Proceedings  
Coordinator**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Joanna Silver

My name is Joanna Silver and I live in Silver Spring, in District 18. I advocate on behalf of a number of organizations and coordinated the Montgomery County Deportation Defense Coalition, which came together to advocate for funding for the legal representation of detained immigrants from Montgomery County.

I share this testimony on behalf of Takoma Park Mobilization. Takoma Park Mobilization is a grassroots advocacy organization with 2,300 members in and around Takoma Park, Maryland that works to enact local, state, and national policies and laws that ensure equal justice for all, with special attention to the treatment of people of color, immigrants, and other vulnerable individuals in our communities.

While I am testifying in my capacity as a community activist, I work professionally as an Assistant Federal Public Defender in the District of Maryland, where I specialize in the intersections between criminal and immigration law and have represented many people charged with illegally reentering the United States after being deported. As a result, I am familiar with the ICE detention and deportation process. This familiarity, along with my personal experience living among the many immigrants at risk of deportation in Montgomery County, leads me to strongly support SB317.

The vast majority of immigrants I represent in federal criminal court were not represented by an attorney during their deportation hearings. Through the course of my representation, I review transcripts and recordings of deportation hearings. What I have seen and heard in these proceedings ranges from disturbing to shocking: people with no legal expertise, often no experience with our legal system at all, and almost always participating with the aid of an

interpreter, are asked to represent themselves against a lawyer from the Department of Homeland Security in front of a judge working for the Department of Justice.

The body of law unrepresented immigrants must navigate is complex, so complex that as a criminal law practitioner, I regularly retain the services of immigration attorneys so that I can understand the records I am reviewing and the defenses that could have been raised had my client been represented. With incredibly high caseloads, removal hearings move quickly and are usually perfunctory; while there is a right to due process, that right is meaningless without counsel to enforce it. As a criminal law practitioner who works in a system in which there is a constitutional guarantee to both counsel and due process, the absence of counsel and the mockery of due process that I see in immigration court can be hard to process, yet the consequences are equally, and quite often more severe, than those faced by my clients in their criminal cases.

While most people think of a court proceeding when they think about the deportation process, a significant percentage of my clients were deported through administrative proceedings consisting solely of documents completed and filed by ICE officers, with no right to appear before an immigration judge. In these administrative and expedited proceedings, the ability to identify and understand the small number of defenses available is impossible without a close knowledge of the applicable law or the ability to file the proper motions to stay what is designed to be a rapid deportation process. Moreover, in both administrative proceedings and those before immigration judges, all written applications for relief must be filed in English, which is yet another barrier to justice for pro se, non-English-speaking petitioners.

Of the many thousands of people ensnared in our deportation system, immigrants detained by ICE are the most vulnerable; this is why SB317's application to detained immigrants is critical. Detained immigrants are at greater risk of being unrepresented than non-detained immigrants. A person in jail cannot work to pay for an attorney while their case proceeds and the detained immigrant is often the primary breadwinner, leaving their family with even less money than usual to hire an attorney. In addition, there are a limited number of attorneys who represent detained immigrants given the challenge and expense of these cases, including the logistics of representing someone who is often detained far away, with limited if any access to phone calls. Moreover, because detained cases move quickly through the system, the families of detained immigrants have far less time to earn and save the money needed to pay an attorney.

The faster pace of the detained docket also places detained immigrants at greater risk of losing their cases because they have less time to prepare and to gather documents or other evidence needed for their defense. Of course, accessing records and other evidence while detained is next to impossible, even if you know what records and evidence you need. Added to all of this

is that the legal defenses available to detained immigrants are often more complicated, requiring a more sophisticated knowledge of immigration law that many immigration law practitioners themselves lack, hence the small number of attorneys qualified to represent this population.

While immigration detention is classified as “administrative,” detained immigrants face the same threats to their life and liberty as do people in jail for criminal matters. Marylanders detained by ICE are in the same jails as criminal detainees and they face the same denial of appropriate medical care, harsh conditions of confinement, including the use of solitary confinement, and limited access to programming (ICE detainees often have less access to programming than criminal detainees housed in the same facilities). The COVID-19 pandemic has magnified the impact of detention on immigrants facing deportation; they are unable to protect themselves while incarcerated and ICE has done a poor job protecting them, as evidenced by the many outbreaks in ICE detention centers. In addition, public health-related restrictions imposed by immigration courts have limited due process even more than usual. In short, the pandemic has rendered this vulnerable population in even greater need of representation.

In sharp contrast to the regular miscarriages of justice I have observed in the many cases in which my clients lacked counsel during their removal proceedings, I have also had the opportunity to see what can happen when a detained immigrant has high quality representation. I have been fortunate to successfully refer a number of clients to the Capital Area Immigrants’ Rights Coalition (CAIR Coalition) and to a small number of private practitioners over the years, and with the assistance of these attorneys I have had several clients overcome significant obstacles to successfully remain in the United States, supporting their families and contributing to our local economy. Not only has this representation benefited individual immigrants in individual cases, but in many instances I have seen high quality legal representation result in positive changes in case law that has gone on to impact the entire immigration legal system, benefitting many others, including those without lawyers.

Last, but certainly not least, as a resident of Montgomery County, home to the largest number of immigrants of any jurisdiction in the state, I am particularly committed to the establishment of a statewide guarantee to the right to counsel for immigrants detained by ICE. Unlike Prince George’s County and Baltimore City, Montgomery County still does not have a funding mechanism that ensures representation for its detained immigrants. The success and well being of my immigrant neighbors is critical to Montgomery County’s success, which in turn impacts the fiscal and social well being of the entire state. From a moral standpoint, a person’s ability to access due process when detained and facing permanent exile from their community should not depend on what part of Maryland they happen to live in.

For all of these reasons I respectfully ask you to reach a favorable report on SB317.

# **SB317 - Stew Remer- JUFJ.pdf**

Uploaded by: Lloyd, Rianna

Position: FAV

January 27, 2021

Stew Remer  
Rockville MD 20854  
[sremmer@verizon.net](mailto:sremmer@verizon.net) / (301) 233-1996



**TESTIMONY IN SUPPORT OF SB317**

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

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee  
**FROM:** Stew Remer, on behalf of Jews United for Justice

My name is Stew Remer. I am a 48-year resident of Montgomery County most recently living in Rockville, District 17. On behalf of Jews United for Justice (JUFJ), I am submitting this testimony in support of SB317, Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator. JUFJ organizes more than 5,500 Jewish Marylanders and allies in support of local and state campaigns for social, racial, and economic justice.

Leviticus 19:33 – 34, says: When strangers reside with you in your land, you shall not wrong them. The sojourners who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt. In this legislative session, now is the time to follow the words of Leviticus and provide universal legal representation for Maryland residents facing immigration issues and prioritize funding to ensure effective implementation of this legislation. Families who came to Maryland for a better life do not deserve to be torn apart by the federal government's cruel and discriminatory policies. Deportation is one of the harshest consequences an individual can face under U.S. law, yet most Maryland immigrants do not have the right to appointed counsel and many cannot afford an attorney. This legislation will help provide critical legal representation to residents who are detained and facing deportation in Maryland and have no one to defend their rights.

I currently volunteer for the Capital Area Immigration Rights Coalition which strives to ensure equal justice for all immigrant men, women, and children at risk of detention and deportation in the DC metropolitan area and beyond. In my role as a hotline volunteer, I have spoken with many detainees desperately seeking help in understanding the Immigration Court and deportation process so they can make better informed decisions about their cases but who cannot afford an attorney to represent them.



This legislation will provide access to counsel and help to ensure due process and just treatment for immigrants. It will reduce the high taxpayer costs associated with prolonged detention, and by streamlining the legal process, a representation program lessens the need for foster care and other programs that serve the U.S. citizen children whose parents are detained or deported. Legal representation would also lead to fewer families losing their sources of income and prevent more employers from shouldering the costs of turnover and hiring new employees after losing their workforce to deportation.

According to the American Immigration Council, immigrant-led households in Maryland paid an estimated \$4.1 billion in state and local taxes in 2018 and possessed \$27.6 billion in spending power. Undocumented immigrants in Maryland comprised 6 percent of the state's workforce in 2016 and paid an estimated \$242.3 million in state and local taxes in 2018. Universal Representation would facilitate undocumented immigrants receiving legal status which in turn would significantly raise their tax contributions.

While the federal government continues to rip apart families and detain immigrants, Maryland must stand up to protect our families and make sure no one has to fight deportation alone. Up until now, most immigrants in Maryland faced deportation and permanent separation from their families, without a lawyer by their side.

Thanks to Senator Hettleman's leadership, our state is one step closer to providing universal representation for detainees, and guaranteeing due process and fairness. **We respectfully urge you to follow the words of Leviticus and issue a favorable report on SB317.** We hope to see this legislation become a reality.

# Testimony in Support of SB317 E Lopez.pdf

Uploaded by: Lopez, Eric

Position: FAV



*Fighting for equal justice for all immigrants  
at risk of detention and deportation*

[www.caircoalition.org](http://www.caircoalition.org)

1612 K Street, NW Suite 204  
Washington, DC 20006

T 202 / 331.3320

F 202 / 331.3341

**TESTIMONY IN SUPPORT OF SENATE BILL 317  
Right to Counsel in Immigration Proceedings  
January 27, 2021**

**Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,**

I write to express my support of SB317, which provides legal representation to indigent Maryland residents detained in immigration proceedings. I express my support as a Maryland resident of District 43 and as a Managing Attorney at the Capital Area Immigrant Rights' Coalition.

**The Majority of Detained Immigrants Do Not Have Legal Representation.**

Detained immigrants in deportation proceedings do not have the right to a government-funded attorney, if they cannot afford to hire one themselves. The vast majority of detainees are low-income, struggle to afford private their own attorneys, and are held in jails far from most attorneys' offices. Even when the detained person has some money to pay for a lawyer, the remote location of the detention facilities increases the cost of representation so drastically and complicates logistics so significantly, that the cost becomes prohibitive, and private attorneys become reluctant to take on the cases. This means that most detained Maryland residents are forced to represent themselves, in a language they may not speak, or may not speak with ease, and navigate a notoriously complex legal system, all while held in jails, with no access to relevant documents, evidence, witnesses, or other things they might need to prepare a compelling case.

While immigration proceedings are technically civil, they are virtually indistinguishable from criminal proceedings: detained people are kept in the same jails as those facing a criminal trial or serving criminal sentences. Like people facing the most serious criminal cases, if detained people lose their case, they face permanent separation from family, and even death, if deported. Given the seriousness of the stakes, it is unconscionable that noncitizens are forced to represent themselves, only because a deportation proceeding has been technically categorized as civil. Currently, at least seven out of ten Marylanders detained by Immigration and Customs Enforcement (ICE) do not have access to legal representation in immigration proceedings. The consequences of this situation are dire. Without legal representation, unrepresented individuals have less than a one in ten chance of winning their case, even if their case has merit.

Deportation can be tantamount to a death sentence. Immigrants who have made Maryland their home have often fled countries where they suffered violence, persecution or torture. Deportation places these individuals in grave risk of harm or death.

**ICE Detention and Deportation Harms Maryland Residents and Communities.**

Each year, ICE detains an estimated 530 Maryland residents who face the threat of permanent separation from their family. When ICE detains a Maryland resident, it not only affects that individual, it also affects their spouses, children, parents, employers and community. More than 600 children in Maryland suffer the harsh impacts of having their parents detained each year.



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As an immigration attorney, I have witnessed first-hand the devastation that immigration detention and deportation wrecks on an individual and their family. People detained by ICE are de-humanized and thrust into a confusing system and removed from their families, communities and livelihood. The majority of our clients have been primary income earners for their households. When they are jailed, their family suffers not only the emotional devastation of potentially permanently being separated from their loved one, but they are immediately thrust into the financial instability that accompanies that. When a primary income provider is jailed, their family goes without food, loses the ability to pay rent, and is often displaced. Additionally, employers and local businesses who lose their workforce to ICE detention are left to bear the turnover costs. Local governments also suffer from ICE detention when they lose tax revenue and end up needing to provide services to aid families left in crisis. Providing attorneys to Marylanders in ICE detention brings dignity and due process to immigration proceedings and helps guard against the injustices faced by detained immigrants facing deportation.

### **Universal Representation Has a Proven Track Record in Maryland**

In Maryland, two local governments spearheaded deportation defense programs: Prince George's County and Baltimore City. Over the past three years, the Capital Area Immigrants' Rights Coalition has operated these programs in defense of residents of these two jurisdictions, with the support of Prince George's County, Baltimore City and our community partners such as CASA. Providing attorneys to detained immigrants has a proven track record of success here in Maryland, keeping our families together. Through these two local programs and with our partners, the CAIR Coalition has been able to reunify parents with their U.S. citizen children, obtain lawful status for long-time residents of Maryland and prevent the deportation of people to dangerous and life-threatening places. The video testimonials of formerly detained Marylanders submitted in support of SB 317 are clear: legal representation is literally a lifeline.

This bill is part of a national movement for universal representation to provide legal defense to those in detained deportation proceedings. Nationwide, there are over 40 jurisdictions that have launched similar programs. An individual with legal representation is on average ten times more likely to achieve a successful result in their immigration case.

### **Providing Attorneys to Detained Immigrants Benefits the Maryland Economy**

Maryland is home to approximately 443,489 noncitizens, representing 7.3 percent of the state's population of 5,996,079.<sup>1</sup> An economic impact analysis submitted in support of SB 317 by CASA and the CAIR Coalition outlines the impact that legal representation will have on our statewide economy. Through the implementation of a statewide legal defense program housed within the Maryland Office of Public Defender, an estimated seventy-two percent of residents, or 382 individuals represented under this program would receive their desired legal outcome. An estimated fifty-nine percent of residents, or 313 individuals would have an outcome that allows them to remain in Maryland. Maryland employers would save 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

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<sup>1</sup> Economic Impact of Universal Representation Proposal in Maryland, Policy Brief.



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would amount to \$178.9 million for full representation statewide. Providing attorneys to detained immigrants leads to improved outcomes for those immediately impacted and their families, but also for our economy.

### **Access to Legal Representation is a Racial Justice Issue**

In Maryland, 74.6% of immigrants are people of color. Immigrants of color are over policed, over charged and over convicted in the criminal legal system. These individuals are then funneled into deportation proceedings where they are essentially re-tried and punished again, having their criminal histories held against them. This bill is necessary to ensure that immigrants of color who are at the intersection of the criminal justice and immigration system have the basic due process right of legal representation.

### **The COVID-19 Pandemic Reveals That Legal Representation is Essential to Protect Detained Immigrants**

The impact of the COVID-19 pandemic reveals that legal representation is essential to protect detained immigrants. Outbreaks of COVID-19 in ICE detention facilities across the country this past year have only exacerbated an already dismal reality of immigration detention. Detained immigrants are confronted with an impossible choice, remain detained and risk contracting COVID-19 while they challenge their deportation charges, or waive their right to pursue deportation relief in order to avoid exposure to a life-threatening virus.

### **This Bill is Necessary Even under a Biden-Harris Administration**

Although the federal executive branch dictates immigration policy to a large extent, there is nothing to suggest that the new administration will end or even reduce immigration detention and deportation. The system of immigration detention has been expanding for decades and the new administration is unable to singlehandedly dismantle the statutory framework that allows for ICE detention and deportation. Only the federal Congress can fundamentally change the legal immigration framework and congressional immigration reform has not materialized in nearly thirty years. However, the State of Maryland *can* intervene where the federal government seems unable to do so and help protect Maryland families by providing lawyers who will greatly increase the chances that those detained by ICE will succeed in making their case that they should be allowed to stay by passing SB 317.

For all of the foregoing reasons I respectfully request your support SB 317.

Sincerely,

Eric A. Lopez  
Managing Attorney  
Capital Area Immigrants' Rights Coalition  
[eric@caircoalition.org](mailto:eric@caircoalition.org)  
T 202-899-1424  
F 202-331-3341

# **Gaurav Madan Testimony SB317.pdf**

Uploaded by: Madan, Gaurav

Position: FAV

**SB 317 – SUPPORT**

Gaurav Madan

240-850-9621 / masalajustice@gmail.com

**SB 317 - SUPPORT**

**Right to Counsel in Immigration Proceedings – Universal Representation**

Senate Judicial Proceedings Committee

January 27, 2021

Dear Chair Smith and Members of the Judicial Proceedings Committee:

I write to you as a lifelong Maryland resident in support of SB 317 Right to Counsel on Immigration Proceedings – Universal Representation and urge this committee to support this legislation. As an environmental and human rights campaigner, issues of fairness, dignity, and human rights are part of my daily work. Due process is a fundamental pillar of democracy and the rule law. However, under our country’s prevailing immigration laws, people in deportation proceedings do not have the right to government-funded legal counsel. In Maryland it is estimated that over 500 people are forced to represent themselves in deportation proceedings. This means our neighbors here in Maryland are being denied due process while our local communities and economies suffer.

SB 317 Right to Counsel on Immigration Proceedings – Universal Representation would address this existing gap in our system by organizing and directing a universal representation program, an important step in strengthening our democratic principles and practices. Notably, such universal representation programs already exist in Maryland in PG County and Baltimore. The bill would also ensure that immigrants in detention receive state funded representation in deportation proceedings and provide both legal and community support for those under threat of detention and deportation.

If we have learned anything over the past several years, it is that the cruelty in our immigration policies is often the arbitrary nature in which they are applied. We have seen horrific scenes of families separated, raids terrorizing immigrant communities, and fear abound under the threat of detention and deportation. Any Maryland resident facing these realities should at least be provided with basic right of legal counsel. The realities of our criminal legal system are such that without access to legal counsel, there is very little chance in presenting a comprehensive case, let alone winning one. Protecting Maryland residents must be a priority as matter of fundamental human rights.

Every Maryland resident deserves due process and dignity. I hope the Judicial Proceedings Committee upholds Maryland values and returns a favorable report on SB 317.

Sincerely,

**SB 317 – SUPPORT**

Gaurav Madan

240-850-9621 / [masalajustice@gmail.com](mailto:masalajustice@gmail.com)



Gaurav Madan



**Diane Seiffert\_FAV\_SB0317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

## **Dianne Seiffert**

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### **Favorable Testimony for SB0317 Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**

To: Chair Senator William Smith and other esteemed members of the Senate Judicial Proceedings Committee  
From: Dianne Seiffert  
Date: January 22, 2021

My name is Dianne Seiffert, a 50 -year resident and homeowner in Montgomery County. I submit this testimony in support of SB0317 as the only acceptable moral and ethical position for Maryland State legislators to take to ensure fair and uniform legal representation for Maryland residents facing detention or deportation in immigration court.

Having legal counsel has been shown to make the critical difference of whether an immigrant receives due process in their immigration case proceedings, determining whether an immigrant is deported or allowed to live freely and safely in America. Most persons facing immigrant court have neither their own funds for counsel, nor the language skills or understanding of complicated US immigration law to successfully represent themselves. The result is that without counsel most are detained or deported, even when their cases merit relief. This is tragic through no fault of their own in an unjust federal system. Statistically in Maryland, immigrants facing immigration court are 4-5 times more likely to be granted relief if they have counsel (Source: Vera Institute of Justice; Capital Area Immigrants Rights Coalition). Keeping families whole is fundamental to economic and social well-being, and thus strong, stable communities. Even though the new Biden administration has announced its intent for policies for a more just federal immigrant court system, that would take time to consider in Congress and then to implement if passed. Maryland needs to lead to assure its immigrant residents have right to counsel in immigration court.

I ask members to pass SB0317 out of Committee, and that Committee members individually and publicly declare your support to all Senate colleagues, and work to encourage all Senators to join you in passage by the full Senate.

Respectively submitted,

Dianne Seiffert  
Montgomery County resident  
Chair, Immigrant Justice Ministry  
Cedar Lane Unitarian Universalist Church  
Member, Congregation Action Network

# **Elam Boockvar\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

**Wednesday, January 27, 2020**

**Senate Bill 317: Office of the Attorney General - Right to Counsel in Immigration Proceedings  
Coordinator**

**Position: Support**

Dear Senators,

My name is Elam Boockvar-Klein, and I am a resident of Baltimore City. I am writing to urge you to support Senate Bill #317, to establish a Right to Counsel in Immigration Proceedings Coordinator. This bill would ensure due process in our immigration courts, giving hardworking immigrants in Maryland a shot at justice as they fight their cases to remain in this country.

Fundamentally, legal representation will curb the human rights abuses in immigrant detention centers, many of which are run by private companies in Maryland. Three years ago, I spent time in Georgia as an immigration legal assistant, working with lawyers at the Southern Poverty Law Center to get their clients released on bond. The attorneys represented migrants held at the notorious Stewart Detention Center, outside of Lumpkin, Georgia, which has been accused of a series of egregious human rights abuses in recent years. Perhaps most egregious of all, however, is that more than 98% of migrants' bond and asylum claims were denied. Almost none of them had legal representation, making it all but impossible to win their case, unable to navigate the maze of laws in a language often different from their own. The Southern Poverty Law Center attorneys, however, were able to win more than 30% of their clients' cases. I was present when two of their clients were released from Stewart, a life-changing turn of events that allowed them to be reunited with their families to fight their asylum cases from outside of the facility. We must give migrants the same chance here in Maryland.

Second, universal representation allows attorneys to identify patterns of abuse within detention centers, leading to class-action lawsuits that can improve conditions and policies for immigrants across the board. By virtue of simply having access to more clients - and therefore more case studies and evidence - lawyers create another check to the potential abuses of power in detention centers across the state. With inadequate federal oversight at these centers, it is imperative that we increase the presence of attorneys in these settings.

Finally, universal representation would save public dollars. The cost to indefinitely house immigrants in detention centers is astronomical. With more detainees represented, more would be able to successfully be released on bond, allowing them to be reunited with their families and fight the remainder of their case from outside of the center. And with fewer migrants stuck in prison-like detention centers for lengthy amounts of time, that means fewer of our tax dollars spent to perpetuate unjust detention.

For these reasons, I urge you to support SB# 317. This program has already been implemented in Baltimore City and Prince George's County, with great success. Let's make it happen state-wide.

Sincerely,

Elam Boockvar-Klein  
elam.boockvar-klein@werepair.org

**Elizabeth Keyes UB Law\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

January 27, 2021

Elizabeth Keyes  
Associate Professor, Director of the Immigrant Rights Clinic  
University of Baltimore School of Law  
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TESTIMONY IN SUPPORT OF SB317

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Elizabeth Keyes

My name is Elizabeth Keyes, and I am an Associate Professor at the University of Baltimore School of Law, where I teach immigration law and direct the Immigrant Rights Clinic (among other courses). I am also a resident of Maryland's District 20. I write to strongly support SB 317.

My knowledge of this issue is extensive. First, it comes from my long experience directly representing immigrant clients in immigration court since 2002. During these almost two decades, I have represented more than two hundred people who could not afford legal representation. I know the struggles my clients faced before finally finding me—going from one service provider to another, getting on endless waitlists, cueing up to secure low-cost consultations, and so forth. The demand so far stripped the capacity of service providers that it felt miraculous anytime I could take on one of their cases. Despite my dedication (and in addition to the work I get paid for teaching, I do an estimated 100 additional hours a year privately, *pro bono*) I turned away more cases than I took.

My knowledge also comes from my nationally-recognized expertise in immigration law and policy. I have published numerous articles on immigration law and procedures, and my scholarship has been cited in numerous important articles, including articles on removal defense and immigration detention, as well as a leading Immigration Law textbook. I know and understand the significant barriers to representation, especially of those in immigration detention facilities.

What I know from my immersion in direct representation, policy, and scholarly arenas, is (1) self-representation in immigration court leads to desperate, pervasive injustices and (2) the need for representation is most acute in immigration detention facilities.

First, without effective representation, people who would otherwise be found eligible for immigration relief (like asylum, or 'cancellation of removal' which is available in some circumstances for long-time residents of the United States) are ordered removed. To craft a compelling case for asylum, for example, a very partial list of what the applicant must do includes:

- Offering credible, detailed, consistent testimony
- Providing any corroboration a judge decides should be reasonably available
- Defining why what they fear would happen to them constitutes "persecution" legally
- Showing that the persecution would happen *because* of their political opinion (real or imputed), their membership in a 'particular social group,' or their race, nationality, or religion. The 'particular social group' definition is notoriously complicated and, worse, changes frequently through case law that economically marginal noncitizens are unlikely to access.
- Showing that, if they did not file within their first year of being in the United States, there was either an 'exceptional circumstance' or a 'fundamental change in circumstances'—either of which is a legal term of art that goes beyond the plain meaning of the term.

Even as a seasoned litigator and professor of immigration law, it is difficult for me to keep up with the precise contours of all of these ever-changing elements. I simply cannot imagine my clients making the attempt without me.

Second, SB 317's provision of representation to those in immigration detention is critical. My 2015 article on some of the barriers to effective representation in immigration court laid out one aspect of the problem like this:

*The right to appointed counsel matters in a world where so many are unrepresented. During FY 2012, only 56 percent of immigrants had representation in removal proceedings. The increasing use of detention, particularly in isolated locations, also decreases the ability of immigrants to secure representation. Pro bono legal services for detainees are exceptionally limited, largely because of time and travel costs associated with access to far-flung facilities, such that a single two hour interview with one client might consume 8–10 hours of an attorney's day. At the same time and travel costs make private representation more expensive than many detainees can afford. Even facilities close to major metropolitan areas have very low rates of representation for detainees, with one New York study showing only 40 percent have counsel by the time their hearing is completed (compared to 73 percent for those who are not detained). Farther afield, that rate tumbles to 21 percent. And "farther afield" is increasingly the norm in immigration detention. With*

*roughly 36 percent of the immigration courts' cases comprised of detained cases, these high rates of being unrepresented represent a significant problem.*<sup>1</sup>

The difficulty of securing a lawyer for a detained immigration case has cascade effects: longer detentions as people are unable to navigate the process to secure release on bond; hardships for family members during the absence of their loved ones (including reduced income and separation from children); the inability to prepare viable claims; the enhanced challenge of finding experts who could corroborate mental and physical traumas or who could speak to conditions in the immigrants' home countries; and the psychological and health effects of prolonged detention.<sup>2</sup>

In acknowledgment of these specific hardships, Cardozo Law Professor Lindsay Nash has written about the particular justifications for "universal representation" programs in immigration detention. She notes the focus of these programs has been "almost exclusively" on detained noncitizens, for three reasons: (1) "finding affordable counsel is far more difficult and the inability to access procedural protections as a pro se litigant is more pronounced; (2) representation helps secure release from detention and its attendant hardships *and* makes it more likely detained noncitizens will be able to secure the evidence they need for their cases; and (3) it is a smaller pool of need than the nondetained population."<sup>3</sup>

While nominally "civil," immigration detention is hard to distinguish from criminal custody. Marylanders in ICE custody are housed in the same jails as criminal detainees, and face the same lockdowns, inadequate medical care, and other harsh conditions of confinement. And in 2020, the U.S. Government Accountability Office reported that the complaint process for these issues was deeply flawed.<sup>4</sup> The incidences of COVID-19 outbreaks in these detention facilities in 2020 provided recent evidence of the poor conditions; according to the Vera Institute of Justice, as of January 2021, almost 9000 ICE detainees tested positive for COVID-19.<sup>5</sup>

Finally, and apart from my professional knowledge and experience, as a Montgomery County resident, with its large noncitizen population, this issue is critical for me personally. Those who would benefit from representation are the parents of the children with whom my daughter goes to school; they are the electricians and

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<sup>1</sup> Elizabeth Keyes, *Zealous Advocacy: Pushing Against the Borders in Immigration Litigation*, Seton Hall Law Journal (2015).

<sup>2</sup> For a general report on these effects, see Vera Institute of Justice, *Why Does Representation Matter?* (Nov. 2018), available at <https://www.vera.org/publications/why-does-representation-matter>.

<sup>3</sup> Lindsay Nash, *Universal Representation*, 87 Fordham L. Rev. 503, 524–25 (2018)

<sup>4</sup> GAO, *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detainee Complaints* (Aug. 2015), available at <https://www.gao.gov/assets/710/708899.pdf> ("GAO's analysis of data from one referring office—the Administrative Inquiry Unit—indicated that for certain noncriminal complaints the unit refers, ERO field offices did not provide resolutions back to the unit for 99 percent of referrals.")

<sup>5</sup> Vera Institute of Justice, *Tracking Covid-19 in Immigration Detention*, available at <https://www.vera.org/tracking-covid-19-in-immigration-detention>.



ironworkers building homes and businesses in the County and beyond; they are neighbors who contribute much to my life, my community, and my State. Montgomery County, however, still does not have a funding mechanism that ensures representation for its detained immigrants. The well-being of these immigrant neighbors strengthens the County, and a strong County is good for the State of Maryland, fiscally, socially, and morally. The fair application of the law demands competent representation regardless of people's ability to pay for that representation.

For all of these reasons, I support SB 317, and hope that your committee will reach a favorable report on the bill.

Respectfully submitted,

Elizabeth Keyes

**Michael David\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

IN SUPPORT OF SENATE BILL 317, THE UNIVERSAL REPRESENTATION ACT

Thank you for the opportunity to explain my stand in support of passage of the Universal Representation Act.

I reside in Columbia, MD. I am a member of the Executive Committee of Howard County's Coalition for Immigrant Justice. I am a retired corporate attorney.

It is an ingrained principle and constitutionally assured right that a person has the right to legal representation in front of a court. But, in civil immigration cases, the immigrants have to cover their own legal expense. For a detained immigrant, i.e. with no income, the "right to representation" is a hollow expression.

It is thus with appreciation that I read Senator Hettleman's draft of SB317. In my opinion, SB317 is carefully balanced legislation: it extends legal representation to detainees subject to removal from the U.S. detained in Maryland or Maryland residents held outside Maryland. The quality and cost of the program are controlled by the State of Maryland, in particular by the Maryland Attorney General, who supervises the program. The overall cost is expected to be modest as only some 400 yearly representations are anticipated.

The importance of this legislation is overwhelming, thus the cost-benefit ratio is very favorable. In particular, a study of 1.2 million deportation cases revealed, *inter alia*, that only 14% of detained immigrants secured representation; immigrants of different nationalities differ greatly in their ability to secure representation, with immigrants from Mexico doing poorest in this respect; representation makes a huge difference, with the scope of defense strategies and success rates 2-4 fold higher for immigrants represented by attorneys. [www.americanimmigrationcouncil.org/research/access-counsel-immigration-court](http://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court).

In the interest of justice and as a service to Maryland residents, the program outlined in SB317 has my support.

Thank you for considering SB317.

Michael David, J.D., Ph.D.

Tel. 410-370-2122

**Perry Beider\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

TESTIMONY ON SB317, ON THE RIGHT TO COUNSEL IN IMMIGRATION  
PROCEEDINGS  
FOR THE JANUARY 27 HEARING OF THE JUDICIAL PROCEEDINGS COMMITTEE  
POSITION: FAVORABLE

SUBMITTED BY

Perry Beider  
4011 Rickover Road  
Silver Spring, MD 20902

I strongly support SB317 as introduced by Senator Hettleman. This bill is a simple matter of fairness and decency.

“Justice for all” cannot mean “justice for those who can afford an attorney.” Since 1938 for federal defendants and 1963 for state defendants, the U.S. Supreme Court has recognized that the U.S. Constitution requires that people facing criminal charges must be provided with legal assistance if they are unable to obtain it on their own. The right to counsel is “one of the safeguards...deemed necessary to insure fundamental human rights of life and liberty.”

The fact that the right to counsel does not currently extend to immigrants facing deportation proceedings because those proceedings are considered civil, rather than criminal, actions is an obscene technicality. It does not need saying that being forced to leave a country where one has lived for years, if not decades, and in many cases leaving behind children and other family members, is a severe deprivation of liberty. And for people who face real risks of violence or persecution in their country of origin, deportation may mean deprivation of life itself.

The right to counsel in deportation proceedings is not simply a procedural nicety: it has measureable practical consequences. Immigration law is complex, so of course most immigrants cannot adequately defend themselves, particularly if they are not fluent in English. Thus, it is hardly surprising that immigrants represented by counsel are **10 times** more likely to win their cases, according to a nationwide study! Representation also reduces time spent in detention and increases efficiency in resolving cases.

Some might argue that Maryland cannot afford to guarantee the right to counsel for indigent immigrants. I have two responses. First, given the scale of the problem—the number of Maryland residents facing deportation proceedings at any one time—I’m sure that the analysis of the Department of Legislative Services will show that the costs of SB317 would be a minuscule fraction of Maryland’s budget. Second, the test of a decent society is how it treats its most vulnerable members. Maryland must not address its budgetary challenges by skimping on the needs of the poor—whether U.S. citizens or immigrants seeking a better life in our state.

Universal representation programs in Baltimore City and Prince George’s County are already transforming the lives of immigrants and their families in those jurisdictions. It is time for the state as a whole to follow suit.

Thank you for your attention.

**PLUMAS\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

## Testimony in SUPPORT of SB317

### Political Latinx United for Movement and Action in Society (PLUMAS)

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Good afternoon Chair Smith, Vice-Chair Waldstreicher, and members of the committee,

My name is Michael Mareno, and I will be testifying on behalf of the Political Latinxs United for Movement and Action in Society, commonly referred to as PLUMAS. We are a student organization at the University of Maryland, College Park that works to promote civic engagement and activism, as well as provide a space for students to share their thoughts on the issues facing the Latinx community. PLUMAS will be testifying today in **favor** of **Senate Bill 317**, also known as **Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**.

As a student organization, we hold frequent events throughout the academic year, including regular general body meetings, town halls, and political education seminars. Our annual Dream Gala, held each spring, is one of our largest events that we put on. Although this year's gala will look a bit different due to COVID-19, its intention remains the same: celebrating immigrant communities, and working to raise money for our Dream Fund, which helps support undocumented students at our campus with emergency legal expenses, such as status renewals.

The extraordinary costs and fees associated with acquiring legal defense will more often than not place those services out of reach for an individual that may be facing deportation. As a result, those individuals may be forced to represent themselves in immigration proceedings, putting them at an abject disadvantage. CASA, a Latinx advocacy organization that we at PLUMAS frequently work alongside, has estimated that nearly 530 adults represent themselves *pro se* each year in the state of Maryland alone.

Organizations like CASA and PLUMAS can crowdfund with events like the Dream GALA to protect vulnerable members of our community. But as a state, Maryland can affirm the right to due process by passing Senate Bill 317, which would create a universal representation program and guarantee qualified legal defense to people in immigration detention. This bill would go a long way towards addressing the challenges that immigrant communities have faced, especially after the past four years of inflammatory rhetoric and aggressive policies coming from the head of our nation's government.

By working with the communities this bill would impact most as a part of PLUMAS, I know without a doubt that the need for universal representation cannot be overstated. I am urging the committee to give this bill a favorable report and help pass House Bill 317.

Sincerely,

Michael Mareno

Social Chair



**Robert Cullen\_FAV\_SB317.pdf**

Uploaded by: Martinez, Ashanti

Position: FAV

3111 Mary Avenue  
Baltimore, MD 21214  
410-319-8092

January 25, 2021

To Whom It May Concern:

I am writing in favor of the Universal Representation bill (SB317). If approved and enacted, this measure would mark a huge and much needed step towards equal justice for all who live here in Maryland.

SB317 specifically ensures that hundreds of immigrants who are in detention here in Maryland and facing possible deportation would have access to qualified and committed legal counsel to represent them in removal proceedings. This measure would also ensure legal counsel for Maryland residents who are detained outside our state. In addition, SB317 includes provisions for community-based support for the families of individuals who have been detained or at risk of detention.

SB317 is community-oriented, family-friendly measure that will greatly benefit many of our fellow Marylanders, and I strongly urge each of you to please give it your fairest and fullest consideration.

Sincerely,

*Robert Cullen*

Robert Cullen

**matiella 25-Jan-2021 10-51-08.pdf**

Uploaded by: Matiella, Maria C.

Position: FAV



# Annapolis Immigration Justice Network

*Walking Alongside Our Immigrant Neighbors*

8 Carvel Circle  
Edgewater, MD 21037  
aijn21401@gmail.com  
(717) 584-4860

January 22, 2021

Honorable Maria C. Matiella  
1304 Anglesey Dr, Davidsonville, MD 21035  
matiella@gwmail.gwu.edu

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University of Baltimore  
Immigrant Rights Clinic

Maureen Sweeney,  
Maryland Carey  
Immigration Clinic

TESTIMONY IN SUPPORT OF SB317

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the the Judicial  
Proceedings Committee

FROM: Honorable Maria C. Matiella

My name is Maria Matiella and I am on the board of the Annapolis Immigration Justice Network, a grass roots, all volunteer organization serving residents of Anne Arundel County. Previously, I served as the Chief Financial Officer for the U.S. Department of Agriculture, Forest Service; the Assistant Chief Financial Officer for Accounting, U.S. Department of Housing and Urban Development; and Senate-confirmed Assistant Secretary of the Army. I have also been a community organizer and Candidate for Congressional District 2, Arizona. I hold a B.A and an M.B.A. from the University of Arizona, and I was named the university of Arizona, College of Education Alum of the year in 2013. I, also, hold a Doctorate from George Washington University.

My husband was born in Mexico, of an U.S. Citizen father and Mexican mother. His family moved to the U.S.A. when he was nine years old and eventually, he became an officer in the United States Air Force. He served in Vietnam and retired as a Major. Fortunately, his mother was not deported, although it took her 30 years to become a citizen. Further, many of his Mexican-born relatives became productive, law-abiding citizens of the U.S. because they received amnesty by President Ronald Regan. In those times, immigration laws were designed to keep families together.

More recently, a friend of mine was born and raised in the U.S. by his U.S. Citizen father, but his mother was deported for illegally entering the U.S. My friend's mother was deported when my friend and his siblings were very young. Although heartsick because he was separated from his mother, my friend worked hard to earn scholarships, most recently for a PhD at the University of Oxford. Now, immigration laws have become heartless, resulting in breaking up families.

The immigrants I know, my relatives and my friends, have contributed so much to our Country. For this reason, I help immigrants stay in the U.S. I know immigrants are here to work hard, contribute, and help make this Country more productive. I also know it takes time and money to navigate our current complex, heartless immigration system. Simply stated, it takes a lawyer to successfully seek asylum.

Many, many immigrants are not allowed to stay in the U.S. even after fleeing life-threatening circumstances in their native country. Many immigrants with heart-wrenching stories of the brutality they suffered in their native countries are deported and not granted asylum. Sadly, in the process of deportation, immigrant families are ripped apart and immigrant workers are unfairly treated while awaiting court hearings. The immigration systems in the U.S. structurally prevents us from providing a safe haven to those who have suffered so much. The structure of immigration laws and courts in the U.S. ultimately denies immigrants a fair chance of successful asylum--it takes too long and it is too expensive to navigate the immigration system.

With time and money, many immigrants who were deported could have successfully navigated the U.S. immigration system and received asylum. But structural obstacles, embedded in the immigration system, and our racist culture deny immigrants access to time and money. The immigrants I've helped earn an average of \$10 hr, so it takes years to save for a lawyer. The structural obstacles immigrants face are complex immigration laws, tight time frames specified in the laws, and inability to earn fair wages.

Basically, a lawyer is needed to navigate our immigration system. Time and time again, in the Baltimore Immigration Courts, I've heard judges admonish immigrants for not having a lawyer. The Judge's first question is, "do you have a lawyer?" The immigrant, in poverty, mostly says "no". Even Judges know that those with the best lawyers get the most care and justice. National studies show that people with lawyers are 10.5 times more likely to win their immigration cases. However, the vast majority of immigrants from Central and South America cannot afford lawyers. Without lawyers, immigrants cannot navigate the immigration system, so they lose, and they get deported.

I strongly believe that immigrants should have a pathway to citizenship in the U.S. This pathway to citizenship must give immigrants the time and money to navigate the immigration system--it is the only humane, logical and economic solution.

SB 317 will provide immigrants the time, funds, and support needed to navigate the immigration system. If this country is sincere in its intent to grant asylum, it must break down the obstacles to citizenship, therefore, it must pass laws like SB 317.

Any pathway to citizenship must consider the economic reality of obtaining citizenship. SB 317 addresses the economic realities of establishing humane processes. SB 317 will give our immigrants a chance to get asylum, a chance to live.

Honorable Maria C. Matiella  
Former Assistant Secretary of the Army  
Financial Management and Comptroller

**SB317 - Murray written testimony.pdf**

Uploaded by: Murray, Kerriann

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I'm a licensed clinical social worker, a parent, and a citizen who cares deeply about equal rights and justice for immigrants. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Kerriann Eileen Murray

221 Northway Rd, Reisterstown, 21136

Showing Up for Racial Justice Baltimore



**AAJC\_FAV\_SB317.pdf**

Uploaded by: Paul, Cathryn

Position: FAV



January 24, 2021

Re: Testimony in Support of the Universal Representation (SB 317)

Dear Chair Smith, Vice-Chair Waldstreicher and Members of the Judicial Proceedings Committee:

Asian Americans Advancing Justice | AAJC writes to express our strong support for the Maryland Universal Representation bill (SB 317) and urge you to pass the bill out of committee. We know that having legal representation makes a huge difference in the cases of immigrants in deportation proceedings. **A detained person who has a lawyer is more than two times likely to win their case.**<sup>1</sup> While the legal fiction states that a deportation is not a “punishment,” in reality, it is. For many, a deportation and the family separation it entails is worse than jail time and for some, it is life threatening. SB 317 would simply make a very basic due process right to counsel into a meaningful and substantive right for indigent detained immigrants. It would have a life changing impact on many immigrants and their US citizen and lawful permanent resident family members.

Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation’s leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community including immigration and immigrants’ rights, census, hate incidents, language access, technology, and telecommunications, and voting rights.

Immigration is an important issue to Asian Americans. 92% of Asian Americans are immigrants or the children of immigrants. Maryland is home to over 415,000 Asian Americans making up 7% of the population. Around 266,000 of them are immigrants and around 39% of Maryland’s Asian American population are limited English proficient. Overall, 15 percent of Marylanders are immigrants, and nearly 275,000 Marylanders are undocumented.<sup>2</sup> The issue of undocumented

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<sup>1</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 62 (2019) (citing Ingrid Eagly and Steven Shafer, “Access to Counsel in Immigration Court,” *American Immigration Council* (September 28, 2016); Kyle Kim, “Immigrants Held in Remote ICE Facilities Struggle to Find Legal Aid before They’re Deported,” *Los Angeles Times* (September 28, 2017)), available at [https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>2</sup> All data in this testimony related to Asian Americans residing in Maryland can be found at [aapidata.com](http://aapidata.com).

migration and immigration enforcement is often thought of only as a Latino issue. In fact, there are around 35,000 undocumented Asian immigrants living in Maryland.

The government has a long history of criminalizing and detaining Asian immigrants. One of the worst examples of detention was the incarceration of 120,000 Americans of Japanese ancestry during World War II.<sup>3</sup> Based simply on their ancestry, Japanese Americans were guilty based on race and ancestry. Children were not spared this association of guilt based on ancestry. Fathers, mothers, and children were rounded up and forced to leave their homes and move into detention centers.<sup>4</sup> This legacy of criminalizing and holding in custody immigrant communities continues to this day.

Asian immigrants make up a significant portion of the population of detained immigrants nationally. As of June 2018, there were as many as 4,881 Asian immigrants in detention out of 50,000 total at the time.<sup>5</sup> Many of them were asylum seekers who were seeking protection in the United States under our asylum laws. The majority of Asian immigrants detained were from India, China, Bangladesh, Nepal, Iraq, Vietnam, and Pakistan.<sup>6</sup> Indian immigrants alone made up almost half of all detained Asian immigrants.<sup>7</sup> Our current detention system impacts not only asylum seekers, but also immigrants including long-time members of our communities, lawful permanent residents (LPRs), and family members of U.S. citizens. Within the Asian American community, Southeast Asian refugees have been notably targeted. In June 2018, about 43% of Vietnamese Americans detained lived in the United States for over two decades.<sup>8</sup> The percentage of Lao and Cambodian Americans detained who lived here for over twenty years is even higher at 86% and 75%, respectively.<sup>9</sup> Southeast Asian households who have a family member that is detained face family separation and the continued hardship of not knowing whether their families will be able to reunite or be separated indefinitely.<sup>10</sup>

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<sup>3</sup> See Exec. Order 9066, 7 Fed. Reg. 1407 (Feb. 19, 1942) (authorizing the internment of Americans of Japanese ancestry); see also *Korematsu v. United States*, 323 U.S. 214 (1944) (upholding the internment under strict scrutiny review).

<sup>4</sup> *Id.*

<sup>5</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 63 (2019) (citing TRAC, “Immigration and Customs Enforcement Detainees.”), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>6</sup> *Id.*

<sup>7</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 63 (2019) (citing Parvini, “Growing Number of California Detainees”; PTI, “2,382 Indians Languishing in U.S. Jails for Illegally Crossing Border,” *Economic Times of India* (November 12, 2018)), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>8</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 64 (2019) (citing TRAC, “ICE Detainees”), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> National Asian Pacific American Women’s Forum & Southeast Asia Resource Action Center, “Dreams Detained in Her Words: The Effects of Detention and Deportation on Southeast Asian American Women and Families,” [https://www.searac.org/wp-content/uploads/2018/09/dreams\\_detained\\_in\\_her\\_words\\_report-2.pdf](https://www.searac.org/wp-content/uploads/2018/09/dreams_detained_in_her_words_report-2.pdf).

Immigrants in deportation proceedings lack resources, due process, and access to legal counsel. Immigrants who are detained and in removal proceedings do not have the right to counsel at the government's expense.<sup>11</sup> This leaves indigent immigrant populations vulnerable,<sup>12</sup> and they are forced to handle the intricacies and complications of the U.S. immigration system alone before a judge and an opposing DHS attorney. Moreover, detained immigrants face severe logistical challenges in accessing legal resources. For example, about 30% of immigrants detained in ICE facilities are more than one hundred miles from the nearest government-listed legal aid provider.<sup>13</sup> The representation rate for detained immigrants was only 14% between 2007 and 2012.<sup>14</sup> This representation rate is even lower at 10% for detained immigrants in a small city or rural area.<sup>15</sup> This lack of representation makes all the difference in court. Providing legal representation to detained immigrants in Maryland would change lives in determining whether families stay together or are torn apart.

We thank you for holding a hearing on this important bill and urge you to vote for it. Please feel free to contact me with any questions at [mesaheh@advancingjustice-aaajc.org](mailto:mesaheh@advancingjustice-aaajc.org).

Sincerely,

Megan Essaheb  
Director of Immigration Advocacy  
Asian Americans Advancing Justice | AAJC

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<sup>11</sup> Ingrid Eagly & Steven Shafer, "Access to Counsel in Immigration Court," (Sept. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>12</sup> *Id.*

<sup>13</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 62 (2019) (citing Ingrid Eagly and Steven Shafer, "Access to Counsel in Immigration Court," *American Immigration Council* (September 28, 2016); Kyle Kim, "Immigrants Held in Remote ICE Facilities Struggle to Find Legal Aid before They're Deported," *Los Angeles Times* (September 28, 2017)), available at [https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>14</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 62 (2019) (citing Ingrid Eagly and Steven Shafer, "Access to Counsel in Immigration Court," *American Immigration Council* (September 28, 2016); Kyle Kim, "Immigrants Held in Remote ICE Facilities Struggle to Find Legal Aid before They're Deported," *Los Angeles Times* (September 28, 2017)), available at [https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>15</sup> *Id.*

**AIJN\_FAV\_SB317.pdf**

Uploaded by: Paul, Cathryn

Position: FAV



# Annapolis Immigration Justice Network

*Walking Alongside Our Immigrant Neighbors*

8 Carvel Circle  
Edgewater, MD 21037  
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(717) 584-4860

January 20, 2021

Suzanne Martin  
118 Maple Drive, Annapolis, MD 21403  
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TESTIMONY IN SUPPORT OF SB317

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

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial  
Proceedings Committee

FROM: Suzanne Martin

My name is Suzanne Martin and I have lived in Annapolis, Maryland for 17 years in District #30A. I am the founder and President of the Annapolis Immigration Justice Network (AIJN), a grass roots, all volunteer organization serving residents of Anne Arundel County. I share this testimony on behalf of the Annapolis Immigration Justice Network.

Our non-profit organization formed in 2017 and over that time, AIJN has served over 300 residents in Anne Arundel County. Since mid 2018, we have provided financial assistance totaling over \$180,000 in legal fees. AIJN has served non-detained as well as detained immigrants. In addition to financial assistance, we also have a case management team that has helped people in pro se situations to fill out asylum applications, work permit applications, and any other paperwork needed as part of their immigration process. Through my work over the last few years, I strongly support SB317. I believe our state should provide our detained immigrants with access to legal counsel for their immigration cases - it's a fundamental right to due process.

In our early work supporting our neighbors, we quickly noticed a critical gap in community resources. Low-income adults and children faced two overwhelming challenges: finding quality legal representation for their immigration cases and obtaining the funding needed to retain a lawyer. Many faced the threat of deportation and needed to apply for some form of relief through the federal immigration system. We quickly learned that area organizations, even effective, established groups like Catholic Charities Esperanza Center in Baltimore, were unable to accept additional pro bono cases.

Asylum seekers have no access to public defenders and often face the threat of deportation back to the danger they tried to escape. Because deportation proceedings are not criminal cases, no public defender program exists in the federal immigration courts under the Department of Justice. According to the MD Access to Justice Commission, while 63% of immigrants with lawyers are granted legal pathways to remain in the U.S., only 13% of those without lawyers are successful. Legal fees for asylum representation, depending on the complexity of the case, are typically \$2,000-\$10,000. Our vulnerable immigrant neighbors could not afford such fees without support. Our organization has tried to come up with a solution.

We learned the best way we could serve vulnerable families and individuals in our community was to provide connections to affordable legal representation. AIJN started a legal fund in May 2018 to offer financial assistance to county neighbors to retain a quality immigration attorney. To date, we have funded over \$180,000 for over one-hundred people in Anne Arundel County. AIJN assists these clients to protect their right to due process and the stakes could not be higher.

The stakes are even higher for those people incarcerated under ICE custody as compared to those that are not detained. It is extremely difficult for detained immigrants under ICE custody to retain legal counsel for their cases. This is why SB317 is so critical to those being detained under ICE custody. Often, the financial cost and inability to work creates a situation where our immigrant neighbors can't obtain legal representation. The obstacles to the right to due process are simply too great to overcome. We, volunteers at AIJN, have visited ICE detainees in ICE custody and have been truly shocked at the harsh conditions and lack of resources available to fight their cases.

I have a story which still haunts me today about a detained man, "Julio", at the Worcester Detention Center who I had lined up with the UMD Carey Immigration Clinic for help in requesting bond back in early 2018. Julio had a preliminary hearing the next morning and due to the logistics of the detention center, it was impossible for me to reach him before the hearing. That morning, I drove to the Baltimore immigration court. I intended to notify Julio's judge that I had found legal representation for a bond hearing but as I approached, the judge dismissed me. Since I was unable to explain, Julio had no idea that I had found legal counsel for him. I watched in shock and disbelief as he told the judge he wanted to be deported immediately instead of

seeking a continuance. His girlfriend told me that he was facing death threats in his country of origin but he lied about it when the judge asked him if he still feared returning to his home country. I was dumbfounded when he waived his right to appeal. It still haunts me - it all could have stopped if Julio had legal counsel that day. He gave up too quickly because he assumed he had no chance to ever hire or retain an attorney. I don't know what happened to Julio.

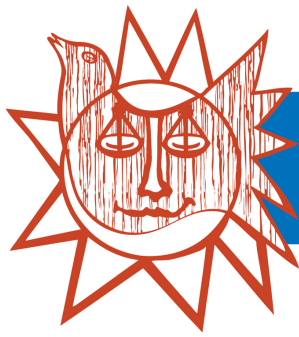
As a resident of Anne Arundel County, I have spent the last 4 years dedicated to helping our clients obtain legal representation for their immigration cases. I fully support a statewide program to give immigrants the right to legal counsel for those detained by ICE. While AIJN has had success in funding over \$180,000 in legal fees, it is nowhere near enough to help our immigrant neighbors. Often, we have to turn people away because they are outside of Anne Arundel County. AIJN doesn't even need to advertise our program because the need is so great. We are no substitute for a statewide system. We believe that providing legal services to our immigrant neighbors improves not only the well-being of our immigrant neighbors, but it also impacts the well-being of our entire county. The immigration system is incredibly complicated and having legal counsel helps the courts run smoothly and efficiently. It gives our clients the best chance at finding a form of relief to stay in the United States and keeps our families unified. For all of these reasons, I ask you to reach a favorable report on SB317.



**CARECEN\_FAV\_SB317.pdf**

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Position: FAV



# CARECEN

LATINO RESOURCE AND JUSTICE CENTER

*Strengthening the Latino Community in the Washington, D.C. Area*

January 24, 2021

The Central American Resource Center, CARECEN, established in 1981, is an immigration law legal service provider that also provides direct services in housing and citizenship, and promotes empowerment, civil rights advocacy, and civic training for Latinos.

CARECEN urges the passage of the Universal Representation bill for immigrants facing deportation. The importance of counsel for an immigrant in a removal proceeding cannot be understated. An immigrant who is forced to return to their home country could be facing the deprivation of life, liberty and property, and should not face such a proceeding without the assistance of counsel. Deportation can mean returning to a country where an immigrant's life or liberty could be at risk. Furthermore, an immigrant that is forced to abandon their life in the US could be separated from their families who are dependent on them for financial and emotional support. Such immigrants could also be forced to abandon a home, other property, businesses, jobs and the lives that they have built for themselves in the US. The effect on the families of immigrants is likewise profound and could lead to drastic results. Due to these possible dire consequences, Immigrants facing deportation require representation for a fair proceeding and an advocate that can navigate the incredibly complicated immigration laws to ensure that any possible relief from deportation is sought.

Studies by the American Immigration Council confirm what every immigration practitioner already knows...immigrants with representation are more likely to succeed in their cases and are also more likely to be released from detention. In turn, the ability to fight one's case outside of detention is also correlated with more successful outcomes.

We urge that the legislature take quick action to ensure that immigrants in Maryland who may be gravely affected by their deportation, have access to justice through representation in removal proceedings. True justice cannot exist without it.

Sincerely,

Genevieve Augustin  
Director of Legal Services

Cc: Personnel File

CARECEN

1460 Columbia Road, N.W. Suite C-1, Washington, D.C. 20009  
Tel (202)328-9799 • Fax (202)328-7894 • [www.carecencdc.org](http://www.carecencdc.org)

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Dr. Segundo Montes, SJ  
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The Central American  
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El Salvador

Congressman  
Joe Moakley (D-MA)  
(1927–2001)

Saúl Solórzano  
CARECEN President  
(1961 – 2011)

**Center for Popular Democracy\_FAV\_SB317.pdf**

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Position: FAV



January 23, 2021

**The Center for Popular Democracy’s Testimony in Support of  
Maryland’s SB317 Right to Counsel in Immigration Proceedings Bill**

Dear Honorable Chairman William Smith and Members of the Judicial Proceedings Committee:

We are writing to express our enthusiastic support for SB317, Maryland’s Right to Counsel in Immigration Proceedings bill. The Center for Popular Democracy (CPD) works to create equity, opportunity, and a dynamic democracy in partnership with high-impact base-building organizations, national organizations and progressive unions. CASA is one of the most impactful affiliate organizations in the CPD network.

For over five years, CPD has worked in partnership with the Vera Institute of Justice (Vera) and the National Immigration Law Center (NILC) to launch and support universal representation programs for immigrants facing detention and deportation. There are now 42 publicly-funded local and state deportation defense programs nationwide.<sup>1</sup> In 2017, CPD worked with CASA to advocate for and launch local programs in Maryland and Virginia.<sup>2</sup> However, a high percentage of detained Marylanders remain unrepresented.<sup>3</sup>

**What’s At Stake for Detained Marylanders**

It is difficult to overstate how important it is to provide publicly-funded deportation defense. Detained community members face a broken and biased system described by a judge as akin to hearing “death penalty cases in a traffic court setting.”<sup>4</sup> Many community members face this system without legal representation, while there is always a lawyer on the other side arguing against their release from detention and ability to remain in the United States. In detention, people face inhumane conditions, loss of liberty, lasting trauma, and barriers to accessing counsel. In these times of COVID-19, the risks of detention are even more dire. Immigration and Customs Enforcement (ICE) reports that as of January 15th, there have been a total of 8,991 confirmed cases of COVID-19 amongst detained community members since the onset of the

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<sup>1</sup> See “Publicly Funded Deportation Defense Programs” last updated October 2020, *available at* <https://www.vera.org/initiatives/safe-initiative>.

<sup>2</sup> See Maggie Corser, “Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area,” Center for Popular Democracy (Mar. 2017), *available at* [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf).

<sup>3</sup> See “Individuals in Immigration Court by Their Address,” TRAC Immigration (Feb. 2019), *available at* <https://trac.syr.edu/phptools/immigration/addressrep/>.

<sup>4</sup> The Honorable Mark A. Dummond, “‘Death Penalty Cases in a Traffic Court Setting’: Lessons from the Front Lines of Today’s Immigration Courts,” American Bar Association, January 15, 2019, <https://perma.cc/G5UB-VBKE>.

pandemic,<sup>5</sup> but advocates and experts argue the rate of transmission in detention is likely much higher.<sup>6</sup> In the 2020 fiscal year, 21 people died in ICE custody — the highest death toll in 15 years.<sup>7</sup> Meanwhile, the stakes of deportation are high, as it can result in physical exile from home, separation from family, loss of employment, and even violence or death in a country of origin.

## **How Harms of Detention and Deportation Reverberate Throughout Maryland**

The effects of detention and deportation extend far beyond those detained and radiate throughout our communities. An evaluation of the New York Immigrant Family Unity Project (NYIFUP) pilot program in New York City revealed that clients served through the program had lived an average of 16 years in the United States and were projected to contribute \$2.7 million in tax revenue each year.<sup>8</sup> Nearly half of the clients were parents to thousands of U.S. children.<sup>9</sup> Data from the localities that are part of Vera’s SAFE Network reveal that clients of the program are parents to hundreds of children--82% of whom are U.S. citizens--and have lived in the U.S. for an average of 14 years.<sup>10</sup> Seventy-seven percent of SAFE clients with families are breadwinners responsible for at least half of their family’s income.<sup>11</sup>

The COVID-19 risks detained community members face reverberate throughout communities. A recent report released by the Detention Watch Network found that between May and August of 2020, ICE detention facilities were responsible not only for thousands of COVID-19 cases in detention centers, but contributed to more than 245,000 additional COVID-19 cases in communities throughout the country.<sup>12</sup>

## **How Universal Representation Programs Impact Communities**

In the face of the deep harms caused by the federal immigration enforcement system, local and state governments have stepped up and invested in deportation defense programs. An investment in these programs is a critical investment in the stability of families, communities, and the economy. Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United

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<sup>5</sup> “ICE Guidance on COVID-19,” available at <https://www.ice.gov/coronavirus> (last visited on Jan. 20, 2021).

<sup>6</sup> Noelle Smart and Adam Garcia, “Tracking COVID-19 in Immigration Detention: A Dashboard on ICE Data,” Vera Institute of Justice, available at <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

<sup>7</sup> Catherine E. Shoichet, “The death toll in ICE custody is the highest it’s been in 15 years,” CNN (Sept. 30, 2020), available at <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html>.

<sup>8</sup> J. Stave et al, “Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity,” Vera Institute of Justice (Nov. 2017), available at <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>, 5-6.

<sup>9</sup> *Id.*

<sup>10</sup> Vera Institute of Justice, “Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative” (Dec. 2020), available at <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>, 22.

<sup>11</sup> *Id.*

<sup>12</sup> Gregory Hooks and Bob Libal, “Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States (Dec. 2020), available at [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Hotbeds%20of%20Infection\\_2020\\_FOR%20WEB.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf), 9.

States.<sup>13</sup> When community members are released from immigration detention and allowed to remain in the United States, families can be reunited and communities and local economies are made whole.

### **Why Recent Changes in the Federal Immigration Landscape Do Not Obviate the Need for Universal Representation Programs**

The immigration detention infrastructure has been ballooning for the past few decades and it will not be undone by a new administration overnight. In fiscal year 2019, the Department of Homeland Security (DHS)--which includes ICE--had an average daily population of 50,165, a total of 510,854 people detained for the year, 215 detention facilities, and a detention budget of \$3.2 billion.<sup>14</sup> A recent memorandum issued by DHS instituting a temporary, 100-day pause on many deportations--meaning physical removal from the United States--does not suspend ICE arrests and detentions, which will continue during this period.<sup>15</sup> Local and state investments in universal representation programs continue to be crucial to protect communities and blunt the devastating harms of ICE raids, detentions, and deportations. We hope Maryland will choose to invest in protecting its immigrant communities by passing SB317.

Sincerely,

/s/ Natalia Renta

Natalia Renta, Esq.  
Senior Policy Strategist  
Center for Popular Democracy  
787.548.6818  
[nrenta@populardemocracy.org](mailto:nrenta@populardemocracy.org)

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<sup>13</sup> Vera Institute of Justice, “Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative” (Dec. 2020), *available at* <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>, 4.

<sup>14</sup> Detention Watch Network, “Detention 101,” *available at* <https://www.detentionwatchnetwork.org/issues/detention-101>.

<sup>15</sup> David Pekoske, Acting Secretary of Homeland Security, “Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities” (Jan. 20, 2021), *available at* [https://www.dhs.gov/sites/default/files/publications/21\\_0120\\_enforcement-memo\\_signed.pdf](https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf).

**HCCIJ\_FAV\_SB317.docx.pdf**

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Position: FAV





# HOWARD COUNTY COALITION FOR IMMIGRANT JUSTICE

Dear Chair Smith and Members of the Judicial Proceedings Committee:

I am writing on behalf of the Howard County Coalition for Immigrant Justice  
**in support of SB 317 for Universal Representation.**

The Howard County Coalition for Immigrant Justice is a group of immigrants, concerned organizations, and individuals working to support and protect our foreign-born friends and neighbors. We believe all residents of Howard County (and Maryland) deserve respect, justice, safety, and opportunities to thrive and prosper. In the past months, we have successfully lobbied our local government to pass a bill called the “Liberty Act” to benefit immigrants in Howard County.

**We support SB 317** for those who are in I.C.E. detention or in deportation proceedings. **Universal representation stands for the principle that ALL PEOPLE regardless of their income, background, merit of case are entitled to due process under the law.** Without a lawyer, multiple studies show that “due process” is unlikely to happen. Legal representation makes the difference between winning and losing in immigration court.

This is the time to do the right thing and provide legal representation to all Marylanders. Our immigrant neighbors have suffered so much over the past four years and have been deeply impacted both by the policies of the Immigration and Customs Enforcement and by the Pandemic.

We look forward to successfully passing SB 317 for Universal Representation in this legislative session. Thanks for your support.

Sincerely,  
Bette Hoover for the Coalition  
5085 Green Bridge Rd  
Dayton, MD 21036  
410-531-5610

**Lisa Dornell\_FAV\_SB317.pdf**

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Position: FAV

**TESTIMONY IN SUPPORT OF SENATE BILL 317**  
**Right to Counsel in Immigration Proceedings**  
January 27, 2021

**Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,**

I write to you to express my unequivocal support of SB 317, which ensures that all Maryland residents facing deportation have legal representation. I express my support as both a long-time Maryland resident (District 13) and, as a recently retired Immigration Judge who served for over 20 years.

All people in the United States are guaranteed by our Constitution the right to due process of law regardless of whether they are citizens or noncitizens. The process that is due to noncitizens who find themselves before an Immigration Court is set forth in the federal immigration statute. However, unlike laws that provide for the appointment of legal counsel for criminal defendants, the immigration statute does not provide for appointed counsel for those in immigration court proceedings. While immigration proceedings are correctly characterized as being civil in nature, the consequences for those in such proceedings can be just as serious as the consequences for a criminal defendant: potential separation from family and community – in the case of a noncitizen, perhaps for life.

Yet noncitizens without legal representation find themselves in this position every day. No person should be denied access to justice simply because they are poor. The only way to ensure that noncitizens are afforded due process in immigration proceedings is to provide them with competent legal representation. Without representation, there is simply no other way a noncitizen can effectively navigate an extremely complicated legal specialty that has been described by one federal court as being a “labyrinth” which is “second only to the Internal Revenue Code in complexity.”<sup>1</sup> Notably, one United States Supreme Court Justice has commented on the complexity and “intricacies” of immigration law noting that even some lawyers have difficulty navigating the system because as he observed, “. . . nothing is ever simple with immigration law. . . .”<sup>2</sup>

Impediments to due process begin even before first court appearances for those without legal counsel. It is important to note that all applications made to the Court, including applications for asylum, must be filled out in English. In addition, all foreign documents filed in support of those applications must be translated into English and must be accompanied by a specifically worded certification of translation. Applications that are not completed in English and documents that have not been translated and appropriately certified are not considered by the Court and are likely rejected as deficient filings before they are even presented to a judge. There is no requirement

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<sup>1</sup> *Castro-O’Ryan v. INS*, 847 F.2d 1307 (9th Cir. 1987).

<sup>2</sup> *Padilla v. Kentucky*, 559 U.S. 356 (2010)

that the government provide assistance to people who do not speak, read, or write English. Consequently, unrepresented noncitizens who are not fluent in English may not be able to access the assistance they need to pursue applications for relief. This is particularly the case when these individuals are detained.

Immigration Judges have a duty to inform noncitizens who appear without an attorney of “apparent eligibility” for relief, including the opportunity to apply for asylum if they express a fear of returning to their country.<sup>3</sup> Some Judges may seek input from the attorney for the Department of Homeland Security; the person who is fighting to remove the immigrant from this country, in order to identify any eligibility for relief from removal or to otherwise identify potential eligibility for legal immigration status. The government attorney’s role and mandate are completely inconsistent with that task. Despite a judge’s best efforts, without legal counsel, it is simply not possible to ensure that the immigrant has had all of the relevant facts about his or her case presented and that all legal defenses to removal have been explored, explained, and understood. Judges can advise but they cannot advocate.

I know from my experience that it is simply not possible that people appearing before judges without counsel have the same chance of relief as those appearing with counsel. National studies have borne this out; people with representation are 10.5 times more likely to be successful in their immigration court cases than unrepresented people<sup>4</sup>. I also know that my courtroom ran more efficiently when all parties were represented; applications and other documents were properly filed; relevant facts and arguments were presented by both parties; requests to delay hearings decreased. I can state unequivocally that the presence of competent counsel representing *both* parties yielded better decisions and more efficient and just outcomes.

To ensure due process, all immigrants should have access to counsel, including those who have a history with the criminal justice system. Facts bear out the increasing criminalization of immigration over the years and the increased popularity of scapegoating, disparaging and demonizing immigrant populations. This trend, combined with the sad fact that people of color have been historically over-policed and prosecuted in this country means that Black and brown noncitizens find themselves disproportionately subjected to immigration proceedings for even minor criminal offenses. This painful legacy of injustices, including racial profiling, has led to the unfair and uneven enforcement of our nation’s immigration laws. As a result, for many of these people, the prospect of deportation from the United States is a real possibility because the criminal justice system has acted, for years, as a direct funnel to the immigration system.<sup>5</sup>

It must be emphasized that not everyone who is placed in immigration court proceedings is eligible for relief from deportation such that concerns over providing criminal immigration violators with representation should not influence the decision to ensure due process of law by providing legal counsel for *all* noncitizens in immigration court proceedings. Denying the benefit of legal counsel to those without criminal histories to ensure that those with criminal histories do not benefit is as unfair as it is misguided. Misguided because concerns over providing improper favor to those

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<sup>3</sup> 8 C.F.R. § 1240.11(a)(2); 124011(c)

<sup>4</sup> Berberich et al., “Advancing Universal Representation: A Toolkit,” The Vera Institute of Justice, December 2018, available at:

<https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

<sup>5</sup> Tanvi Misra, *The Rise of ‘Crimmigration’: Law Professor César García Hernández Talks About How America Built a Legal System that Targets Immigrants For Profit – and How to Take it Down*, BLOOMBERG CITYLAB, (Sep. 16, 2016, 2:01 PM), <https://www.bloomberg.com/news/articles/2016-09-16/c-sar-garc-a-hern-ndez-on-the-rise-of-crimmigration>.

with criminal histories are mitigated by strict federal immigration laws which in most cases preclude relief for most felons and sometimes bar relief even for sympathetic applicants with minor criminal histories. Immigration Judges are in the best position to determine who is eligible and worthy of relief and can make the best and fairest decisions in a hearing where the level playing field guaranteed by the Constitution exists.

Why provide legal counsel even to those for whom there is no relief from deportation? In my experience, the presence of legal counsel in such cases has served to prevent delayed resolution of cases. This is because people who hear from their own, trusted advocate that there is no application that they can make and no avenue for them to remain in the United States are far more likely to understand and to accept this reality quickly and are therefore prepared to accept an order of removal and to waive their right to appeal.

We all benefit from a just system that preserves faith in our legal institutions. Ensuring due process for all is the right thing to do. The time to do it is now.

**MoCoPAAN\_FAV\_SB317.pdf**

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Position: FAV



## **Support for Universal Representation, SB317**

**Aryani Ong, Sandy Shan, Janelle Wong**

**Co-Directors**

**[Montgomery County Progressive Asian American Network](#)**

January 24, 2021

We write as members of a new organization, the Montgomery County Progressive Asian American Network (MoCoPAAN), to strongly support Universal Representation (SB317).

The MoCoPAAN's mission is to raise the visibility of Asian Americans through lifting up progressive voices and strengthening allyship through strategic communications. In doing so, we wish to demonstrate that Asian Americans have a multitude of voices. We speak out on issues that affect people of diverse backgrounds: representation, equity and inclusion; immigrant rights; and, racial discrimination, racial and profiling, and anti-Black racism. As such, we believe that it is essential that the state provide funding for legal representation of detained immigrants. This legislation will ensure fairness and due process in our deportation system.

Along with nearly one-third of all immigrants in Maryland, Asian American communities in our state are directly affected by this legislation.

Over 35,000 Marylanders are undocumented Asian immigrants, constituting more than 1 in 8 of undocumented immigrants in the state. These groups face multiple language barriers, lack of culturally competent legal services, and limited capacity among Asian immigrant-serving community organizations make undocumented Asians vulnerable to detention and deportation

We urge you to support SB317 to strengthen immigrant rights and due process.

**NILC\_FAV\_SB317.pdf**

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January 21, 2021

Chairman William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
Maryland Senate  
Annapolis, MD 21401

**Re: Testimony in Support of Right to Counsel in Immigration Proceedings Bill, SB 317**

Dear Chairman Smith and Committee Members:

The National Immigration Law Center is writing in strong support for moving SB 317, “Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator, forward. As a response to the draconian and inhumane immigration enforcement practices in place for decades, a universal representation program would be a bold action by the state of Maryland to defend community members who are at risk for deportation.

We were heartened to hear that Baltimore City and Prince George’s County already provide some funding for representing detained immigrants from their jurisdictions. These programs function as a critical line of defense for Maryland residents who face permanent separation from their communities. The current bill before you seeks to create a statewide Right to Counsel program that would bring us closer to the vision that everyone, no matter their background, should have a fair day in court and an opportunity to secure immigration relief under our laws.

We urge you to support SB 317 for the following reasons:

Legal Defense for Immigrants Furthers Core Values of Due Process and Justice

In order for the core principles of dignity, fairness, and justice for all to have meaning in the immigration court system, every person in removal proceedings should have an attorney.

As the Supreme Court has acknowledged,<sup>1</sup> the consequences that stem from deportation are often more severe than those that follow a criminal conviction. Immigrants face permanent exile from the country they consider home, and permanent separation from their loved ones, if they lose their immigration case. Some also face persecution, torture, and death in their countries of

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<sup>1</sup> Padilla v. Kentucky, 559 U.S. 356, 368 (2010).

origin. Dana Leigh Marks, Immigration Judge and President of the National Association of Immigration Judges, referred to some cases in removal proceedings as “death penalty cases heard in traffic court settings,” because of the speedy court process and the consequences at stake.<sup>2</sup>

In addition to carrying severe consequences, removal proceedings are challenging because of structural barriers. Immigration law has often been compared to the tax code in its complexity. Yet there are fewer procedural protections than in criminal trials, even beyond the absence of appointed counsel. In a removal proceeding, the government has a trained prosecutor in every case representing its interests, while the indigent immigrant does not. An immigration system that pits unrepresented, often non-English speaking immigrants against trained prosecutors is unfair, particularly when winning a case is based less on the merits of the case than on the immigrant’s ability to pay for an attorney.

By ensuring that immigrants have skilled attorneys by their side to assess the merits of their cases, make legal arguments, gather supporting documents, and identify witnesses and experts, a universal representation program safeguards due process and fairness in the deportation system.

### Having Representation in Removal Proceedings Increases the Chances of Success

Immigrants are more likely to succeed in fighting their deportation cases when they have a qualified immigration attorney representing them. Research has consistently supported this outcome in deportation proceedings. One study conducted in New York City, which implemented one of the first universal representation programs in the nation, found that representation made it 1,100 percent more likely that an individual would succeed in their case.<sup>3</sup>

Having an attorney represent an indigent immigrant can mean the difference between being able to stay in the country and obtain legal immigration status, and being deported and torn from friends, family, community, and the life that has been built here.

### Maryland Must Fortify its Commitment to Immigrant Communities

State governments play a key role in protecting their immigrant residents as the federal government continues to engage in cruel immigration enforcement. We have a new President, but ICE and our dysfunctional immigration system are still here. Though a pause on deportations was enacted, it will only cover some people for 100 days. Deportations will continue to happen, and community members who are already facing deportation need representation now.

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<sup>2</sup> Dana Leigh Marks, “Immigration judge: Death penalty cases in a traffic court setting,” CNN Opinion, Jun. 26, 2014, <http://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

<sup>3</sup> Jennifer Stave, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity*, Vera Institute of Justice, Nov. 2017, <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

Supporting SB 317 is one way to support immigrant communities and momentum for these programs is building across the country. New Jersey invested \$6.2 million in a statewide program last year (doubling their 2019 commitment) and California is currently investing \$65 for immigration legal services, including deportation defense for both detained and non-detained immigrants. New York's Liberty Defense Project **provided** \$11.5 million in 2019 and \$10 million in 2020 for direct representation in deportation hearings and other cases. And Oregon's **budget** for 2019-21 allocated \$2 million for deportation defense.

Maryland should stand by the many immigrants that call Maryland home and do everything in its power to ensure immigrants are not left to stand alone as they fight to stay in the country. SB 317 will keep loved ones together, employees working, and communities whole. Fundamental fairness demands that when our community members face imprisonment and separation from their loved ones, they receive the basic and necessary protection of legal representation.

For these reasons we urge you to support the Right to Counsel in Immigration Proceedings Bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shiu-Ming Cheer', with a stylized, flowing script.

Shiu-Ming Cheer  
Director of Movement Building & Strategic Partnerships

# **Our Revolution\_FAV\_SB317.pdf**

Uploaded by: Paul, Cathryn

Position: FAV



## **ORHoCo Testimony on Universal Representation – SB317**

Dear Maryland State Delegation,

We are presenting this testimony on behalf of Our Revolution Howard County (ORHoCo), the county chapter of an organization inspired by the political and social messages of Senator Bernie Sanders (I-VT). We fight for values and policies covering climate-change, health care, and economic and racial justice that focus on the needs of our neighbors, co-workers, and working families, particularly in this time of Covid.

Along with our 20+ partners represented by the Howard County Coalition for Immigrant Justice, we stand in support of Universal Representation, SB317, which will provide legal representation to people in immigration detention in Maryland and Maryland residents detained in other states.

Currently many people facing deportation cases are representing themselves, and we believe this violates not only due process but hurts immigrant communities and their families, let alone damaging local economies. Currently, Prince George's County and Baltimore City have developed universal representation policies that have transformed the rights and lives of immigrants and their families facing deportation.

We believe it is time for the state of Maryland to join them. Please support the Universal Representation SB17 bill as written.

Thank you.

- Kathleen Uy, ORHoCo steering committee member and representative to HCCIJ
- Paul J. Baicich, ORHoCo Chair

*Our Revolution Howard County  
c/o Baicich  
7237 Swan Point Way  
Columbia, Md 21045*

# **TESTIMONY FOR SB0317 Right to Counsel in Immigrati**

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0317**  
**OFFICE OF THE ATTORNEY GENERAL – RIGHT TO COUNSEL IN IMMIGRATION**  
**PROCEEDINGS COORDINATOR**

**Bill Sponsor:** Senator Hettleman

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** **FAVORABLE**

I am submitting this testimony in favor of SB0317 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members are very much in support of this much-needed support of the immigrant community in our state. We all know that our immigration system is broken. It can take years to become a citizen. In the meantime, most immigrants settle down and pay taxes and live their lives in the same way as citizens. However, the Department of Homeland Security seems overly enthusiastic in trying to remove immigrants from the state.

Many immigrants, when subject to deportation, do not have the funds to retain legal representation. Data shows that, without representation, the likelihood of deportation is very high. This needs to change. Our members believe that the state should support its residents and provide legal representation.

We support this bill and recommend a **FAVORABLE** report in committee.

# **SR testimony SB 317 - Universal Representation in**

Uploaded by: Robson, Letitia

Position: FAV





Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 317**.

Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Sandy Robson

2108 Erdman Ave Baltimore MD 21218

Showing Up for Racial Justice Baltimore

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Rochkind, Jonathan

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 317**.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Rochkind  
755 Melville  
Baltimore MD 21218

Showing Up for Racial Justice Baltimore

# **URep Testimony- SDMV (Austin Rose)-Final.pdf**

Uploaded by: Rose, Austin

Position: FAV



**SB 317- SUPPORT**  
Austin Rose  
Sanctuary DMV  
[iar10@georgetown.edu](mailto:iar10@georgetown.edu)  
240-446-0933

## **SB 317- SUPPORT**

**Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**  
Senate Judicial Proceedings Committee/House Judiciary Committee  
January 27, 2021

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

As a Maryland resident, long-time organizer with Sanctuary DMV, and third-year law student working in the immigration legal space, I wholeheartedly express my support on behalf of Sanctuary DMV for this legislation. We at Sanctuary DMV believe firmly that all immigrants, particularly those detained, have a right to zealous legal representation. Without it, far too many Maryland residents are torn away from their families and communities. We have a responsibility to stand alongside our immigrant neighbors, and this legislation is an important step in the right direction.

Sanctuary DMV is an all-volunteer collective dedicated to working in solidarity with immigrant communities in DC, Maryland, and Virginia. Amongst other activities, we accompany individuals to immigration appointments carrying a risk of detention or deportation, support families affected by ICE enforcement in the region, and advocate for state and local policies that enhance rights and resources for immigrant communities. Through this work, we have supported several individuals fighting their cases from immigration detention, and we have seen how zealous legal representation can make or break a case.

One example stands out. Last year, a Maryland resident we accompanied to an ICE check-in was abruptly detained at the ICE office and told he was going to be summarily deported. Time being of the essence, we immediately contacted Capital Area Immigrants' Rights Coalition (CAIR Coalition) to find legal representation for the man, while also reaching out to local Congressmembers and ICE officials to request that ICE delay his deportation pending pursuit of legal relief. Thanks to a joint effort between CAIR Coalition, Sanctuary DMV, and other volunteers, we quickly secured pro bono legal representation for the man, who was able to win release from detention, return to his wife and children, and continue fighting his case from outside detention.

Yet, unfortunately, most people in his situation would not have fared as well. Maryland residents who, like this man, do not happen to live in the Maryland jurisdictions with universal representation models are often forced to fight their cases alone. 81% of detained immigrants in Maryland have no legal representation. For each rare success story, Sanctuary DMV has seen several other individuals spend months or even years in immigration detention without representation. These long periods of detention without representation are particularly concerning during the COVID-19 pandemic, which has caused outbreaks and deaths in detention centers across the DMV region. We have also seen several individuals deported, permanently torn away from their family members who rely on them.

With so much focus in recent years on the effects of Trump's egregious immigration policies on the U.S.-Mexico border, we sometimes forget that family separation occurs every day, right here in Maryland and across the United States. Every time an individual is detained or deported, families are separated. Universal representation is a way that Maryland can fight back against detention and deportation and keep families together. We must act now to expand universal representation for detained immigrants state-wide.

Sanctuary DMV urges a favorable report on SB 317.

# **SB317- Support Universal Representation in Deporta**

Uploaded by: Sell, Jennifer

Position: FAV

To Senators Smith, Waldstreicher, and members of the Senate Judicial Proceedings Committee:

I am a resident of District 21 and a long time Maryland resident. As a member of Showing Up for Racial Justice Annapolis and Anne Arundel County and as a Christian who is called to love the immigrant and refugee, I feel I must speak up on their behalf. I am testifying **in support of Senate bill number SB317**, which provides legal representation to detained Maryland residents facing deportation.

Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial, and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote in support of SB317.

Thank you for your time, service, and consideration.

Sincerely,

Linda Girdner  
941 Fall Ridge Way  
Gambrills, MD 21054



# **SB317.pdf**

Uploaded by: Sell, Jennifer

Position: FAV

**Bill #: SB0317**  
**Bill Title: Office of the Attorney General - Right to Counsel in Immigration Proceedings**  
**Coordinator**  
**January 27, 2021**

**\*\*SUPPORT\*\***

Dear member of the Judicial Proceedings Committee,

I am a resident of District 33 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am testifying in support of Senate bill number SB317, which provides legal representation to detained Maryland residents facing deportation.

Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

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It is for these reasons that I am encouraging you to vote in support of SB317.

Thank you for your time, service, and consideration.

Sincerely,  
Jennifer Sell  
444 Lynwood Dr  
Severna Park, MD 21146

**SB317\_MNADV\_FAV.pdf**

Uploaded by: Shapiro, Melanie

Position: FAV



**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**

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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Abusers use the immigration status of their victim as another way to exert power and control.<sup>4</sup>

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<sup>1</sup> 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](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf)

<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> 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).

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

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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**.

**BARS\_Testimony\_SB317.pdf**

Uploaded by: Shin, Rebecca

Position: FAV



January 25, 2021

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

**RE:** SUPPORT of Senate Bill SB317

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

Dear Committee Chair Smith and members of the Senate Judicial Proceedings Committee:

We of the Baltimore Asian Resistance in Solidarity (BARS) are writing to you in support of Senate Bill 317 to push forward universal representation for immigrants throughout the state of Maryland.

Formed in response to police brutality against Michael Brown and Freddie Gray in the winter of 2015, BARS brings together Asians and Pacific Islanders of all backgrounds in Baltimore to work in solidarity with our neighbors and the communities we share: Black, Indigenous, POC, LGBTQIA+, women, working class, disabled folks, incarcerated people, immigrants and refugees. We represent a justice-oriented Asian and Pacific Islander group in Baltimore, Maryland, including students, advocates, academics, workers, creatives, and more. Many of our members are first-generation immigrants, having moved to the U.S. from another country, are the children of immigrant parents, or have family members and close friends who have immigrated to the U.S. and call Maryland home.

We urge the Maryland General Assembly to pass SB317 and ensure that all immigrants have fair and due process in immigration court proceedings. We recognize and reiterate the tenets of the call that CASA de Maryland has put out in support of this bill and many others with how important it is to provide support to immigrants in a holistic manner, including stipends, legal counsel to the full length of court proceedings, and community outreach. These actions will ensure Maryland continues to be a welcoming state that values the contributions and lives of immigrants and refugees.

For more information about Baltimore Asian Resistance in Solidarity or this position, please contact [baltimoreasianresistanceinsolidarity@gmail.com](mailto:baltimoreasianresistanceinsolidarity@gmail.com).

Sincerely,  
Baltimore Asian Resistance in Solidarity (BARS)

# **SB 317 - Office of the Attorney General - Right to**

Uploaded by: Siri, Michelle

Position: FAV



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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**

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The Women's Law Center of Maryland (WLC) is a statewide nonprofit law firm that seeks to ensure the safety, economic security, and autonomy of women. Our mission is advanced through advocacy and also through direct legal representation of survivors of domestic violence. Among the free legal services we provide is our MEDOVI project, which serves foreign-born victims of domestic violence, sexual assault, and human trafficking who are seeking immigration status independent of their abusers who typically threaten our clients with deportation or refuse to provide the documentation necessary to obtain legal status in an attempt to maintain control over their relationship. These foreign-born victims face unique challenges; cultural differences, language barriers, and fear of deportation frequently prevent them from seeking help. As mentioned above, victims are often sponsored for their green cards by the very same abuser who threatens to have them deported. The vast majority of our clients (96%) are women, and their children face similar challenges, including abuse and forced separation from their mother. Deportation is a particularly acute concern for victims who as a result may be separated from U.S.-born children.

Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, in the United States, millions of people who are poor or low-income are unable to obtain legal representation. 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<sup>1</sup>. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland<sup>2</sup>.

Yet, there is no right to appointed counsel in civil matters, including in immigration proceedings. Nonetheless, we know that immigrants *with* representation are nearly six times more likely to have a successful outcome than those without representation. According to the Immigrant Justice Corp, in Maryland, as many as 81% of detained immigrants proceed unrepresented in immigration court<sup>3</sup>. While many legal services organizations in Maryland work to bridge the representation gap for immigration services, these organizations are under-funded and under-staffed; the need for quality, affordable representation is still incredibly large and acute. Of the 6,868 total immigration cases closed by Maryland Legal Services Corporation grantees, only five were closed with the major benefit of "Obtained release from ICE custody." This demonstrates the stark need for increased representation.

Senate Bill 317 creates a Right to Counsel in Immigration Proceedings Coordinator, who would be tasked with organizing and directing services and resources in order to provide all covered individuals

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<sup>1</sup> 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](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf)

<sup>2</sup> Maryland Access to Justice Commission, Strategic Vision Report, 2020, <https://www.mdaccesstojustice.org/reports>

<sup>3</sup> <https://www.caircoalition.org/20200218/immigrant-justice-corps-and-cair-coalition-launch-access-counsel-initiative-immigrants>

with access to legal representation in removal proceedings. This in turn would ensure a right to counsel in immigration proceedings where the individual is subject to removal from the United States. This coordinator, housed within the Maryland Attorney General's office, would service as a touch point with community groups, advocates, and detained individuals. A coordinated response such as this would provide much needed support in these life-altering proceedings.

Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the WLC strongly supports SB 317 and urges a favorable report.

***The Women's Law Center operates two legal hotlines, and three direct legal services projects: the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.***

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Smeton, Jonathan

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 43. I am testifying **in support of Senate Bill 317**.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

Jonathan Smeton

3140 Ellerslie Avenue, Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

**SB 317\_FAV\_ACLU\_Spielberger.pdf**

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee  
January 27, 2021**

**SB 317 – Office of the Attorney General – Right to Counsel in  
Immigration Proceedings Coordinator**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

**FAVORABLE**

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
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or 240-274-5295  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 317, which would establish a universal representation program in Maryland for individuals in immigration proceedings who cannot afford legal representation, and ensure that immigrants and their families are supported holistically throughout the entire process of deportation proceedings.

Unlike in criminal cases, there is no right to counsel in civil immigration proceedings, even though the consequences are severe, including the possibility of family separation and deportation, and sometimes persecution and death. Individuals must often navigate a complex legal system alone, and often in a language unfamiliar to them. Without representation, they are less likely to understand the process, file necessary documents, and comply with court appearances, and are thus severely disadvantaged to have a fair chance of winning their case. Recent data shows that approximately 70 percent of individuals are unrepresented in removal proceedings,<sup>1</sup> and only five percent of those without representation managed to obtain relief from deportation.<sup>2</sup>

In addition to the government's interest in the speedy and efficient adjudication of immigration proceedings, basic concepts of fairness and justice require Maryland to ensure that immigrants facing deportation have equitable access to legal representation. States across the country and local jurisdictions in Maryland, including Baltimore City and Prince George's County, have already developed universal representation programs that are protecting the lives and

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<sup>1</sup> Kica Matos and Helen Gym, "One Big Thing Cities Can Do on Immigration," *Bloomberg CityLab*, October 26, 2020. <https://www.bloomberg.com/news/articles/2020-10-26/one-big-thing-cities-can-do-to-protect-immigrants>

<sup>2</sup> Karen Berberich, Annie Chen, Corey Lazar, and Emily Tucker. "The Case for Universal Representation." Vera Institute of Justice. December 2018. <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Maryland

livelihoods of immigrants and their families. It is time for Maryland to join them, and ensure that all immigrants in Maryland have the full rights that they deserve.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 317.

# **D4CC - Support Universal Representation SB 317.pdf**

Uploaded by: Sugarman, Kate

Position: FAV





## **SB 317 – SUPPORT**

Kate Sugarman  
Doctors for Camp Closures, Maryland  
katesugarman@hotmail.com  
301-343-5724

### **SB 317- SUPPORT**

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

Senate Judicial Proceedings Committee

January 27, 2021

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

The Maryland Chapter of Doctors for Camp Closure strongly supports Universal Representation SB 317. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

We know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. We have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families.

For this reason, it is critical that all detained immigrants be provided with free legal representation. This will dramatically increase that chance that they are released and can be reunified with their families and loved ones.

This issue has taken on a heightened sense of urgency as we face a worsening pandemic. Serious illnesses and deaths due to covid continue to rise inside the prisons, not only for the detained immigrant but also for the staff at these facilities. All of these deaths are preventable and would not happen were these detention centers to close down.

We are part of a national network where we write medical affidavits on behalf of detained immigrants. We review detention medical records and interview the detained immigrants. Many times they receive medical care that is substandard and often are denied lifesaving medical care. As more and more detainees get sick from covid, we hear more and more frequently how detainees coughing, burning with fever and vomiting, simply do not receive medical care at all.

In addition, family members suffer when their fathers and husbands are picked up by ICE and locked up out of reach from their family members. Families lose their wage earners and children lose their fathers. These children can no longer concentrate in school and suffer a host of psychological consequences.

We urge the passage of Universal Representation so that families can stay together and be healthy together.

D4CC urges a favorable report on SB 317.

# **MDAID - Support Universal Representation SB 317.pd**

Uploaded by: Sugarman, Kate

Position: FAV



**SB 317 – SUPPORT**  
Kate Sugarman  
Maryland Against ICE Detention  
katesugarman@hotmail.com  
301-343-5724

## **SB 317 - SUPPORT**

**Office of the Attorney General - Right to Counsel in Immigration Proceedings Coordinator**  
Senate Judicial Proceedings Committee  
January 27, 2021

Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Maryland Against ICE Detention (MDAID) strongly supports Universal Representation SB 317.

MDAID is a statewide coalition of organizations and individuals striving to stop immigration detention as well as systems that contribute to detention and deportation. We are made up of over 60 organizations and over 200,000 individual members and members of those organizations.

The Universal Representation bill would require the Attorney General to coordinate legal representation for Maryland residents facing detention or deportation in immigration court.

We know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. Some of our members have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families.

For this reason, it is critical that all detained immigrants be provided with free legal representation. This will dramatically increase that chance that they are released and can be reunified with their families and loved ones.

This issue has taken on a heightened sense of urgency as we face a worsening pandemic. Serious illnesses and deaths due to covid continue to rise inside the prisons, not only for the detained immigrants but also for the staff at these facilities. All of these deaths are preventable and would not happen were these detention centers to close down. Many times detained immigrants receive medical care that is substandard and often are denied lifesaving medical care. As more and more detainees get sick from covid, we hear more and more frequently how detainees coughing, burning with fever and vomiting, simply do not receive medical care at all.

In addition, family members suffer when their fathers and husbands are picked up by ICE and locked up out of reach from their family members. Families lose their wage earners and children lose their fathers. These children can no longer concentrate in school and suffer a host of psychological consequences.

The state of Maryland also suffers economically from the detention and deportation of these Maryland residents. Many of our immigrant neighbors are essential workers and contribute tremendously to our state's economy and well being.

As our nation is now turning to address racial justice and correct past and current wrong doings, it is critical that we look at who we are locking up in ICE detention. Most, if not everyone, who gets put into Maryland ICE detention are people of color. It is time for us to provide legal representation to Maryland residents who are in ICE detention.



**SB 317 – SUPPORT**

Kate Sugarman

Maryland Against ICE Detention

katesugarman@hotmail.com

301-343-5724

We urge the passage of Universal Representation so that families can stay together and be healthy together. Universal Representation will improve the health and lives of everyone in Maryland

MDAID urges a favorable report on SB 317.

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Todd, Tamara

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 10. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

SB317 would ameliorate that by ensuring the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland and stipends and assistance in obtaining counsel in cases heard out-of-state. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,

**Tamara Todd**

**221 Northway Rd, Reisterstown, MD 21136**

Showing Up for Racial Justice Baltimore

# **SB 317 - Universal Representation in Deportation H**

Uploaded by: Yoder, Daryl

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of white folks working as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with the CASA de Maryland. I am a resident of MD District 12. I am testifying **in support of Senate Bill 317**.



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration court are not provided lawyers to represent them, even though they face deportation, permanent family separation, detention, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case.

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During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 317**.

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore



# **Esperanza Center - SB317 - UniversalRep - swa.pdf**

Uploaded by: Dolamore, Matthew

Position: FWA

**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

# **SB317 - Sponsor Presentation.pptx.pdf**

Uploaded by: Hettleman, Shelly

Position: FWA



# **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
- 



# 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).





**2021-01-27 SB317 (Support).pdf**

Uploaded by: Jung, Roy

Position: FWA



**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

January 27, 2021

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**

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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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

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

<sup>2</sup> 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.

<sup>3</sup> <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.<sup>4</sup> Unfortunately, most Marylanders facing deportation have no legal representation.<sup>5</sup>

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

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<sup>4</sup> [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf)

<sup>5</sup> *See id.*

**Vera\_SAFE\_SB0317\_SB0088\_MD Senate Judicial Proceed**

Uploaded by: Lazar, Corey

Position: FWA



January 25, 2021

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

RE: SB0317 (Right to Counsel in Immigration Proceedings); SB0088 (Participation in Federal Immigration Enforcement)

Dear Chairman Smith and Members of the Committee,

On behalf of the Vera Institute of Justice (Vera), we are writing in strong support of SB0088, which would limit police collaboration with ICE, and SB0317, which would establish the right to appointed counsel for detained immigrants and advance universal representation for immigrants facing deportation. Our immigration enforcement and detention system has led to irreparable harm to hundreds of thousands of impacted individuals and communities across the nation and perpetuated racism in our systems and institutions. The bills before you today take important steps toward charting a new vision of justice for immigrant communities. By guaranteeing publicly funded representation in immigration court for all of Maryland's detained residents, SB0317 centers fairness and dignity in a court system that is otherwise dehumanizing and unfair. And by ending local collaborations with ICE, SB0088 would ensure that Maryland state resources are not used to tear our communities and families apart and would reduce the number of people subjected to deportation proceedings in the first place. We urge you to report these bills out favorably.

As you may know, the mission of Vera is to drive change and to build and improve justice systems that ensure fairness, promote safety, and strengthen communities. Over the past fifteen years, Vera's Center on Immigration and Justice has led nationwide efforts to advance universal representation- the concept that every person facing deportation is entitled to zealous legal representation regardless of income, race, national origin, or history with the criminal legal system.

Over the past few years, immigrants have been attacked, criminalized, and ripped apart by federal policies. While these policies did not begin with the prior administration, they took on a particularly deliberate brutality and hostility over the last few years. During this moment of change and opportunity, leaders across all levels of government must renew and double-down on their commitment to protect immigrants and move forward the solutions our communities need, such as SB0317 and SB0088.

In a state such as Maryland, where 2 in 7 children have at least one immigrant parent and 1 in 6 of the labor force is foreign born, support for the immigrant community is support for the Maryland community at large.<sup>1</sup> The bills before you today provide an opportunity for Maryland to invest in its communities and advance a vision of justice for all that centers human dignity.

### **SB0317:**

Vera's SAFE Initiative is a growing movement of communities advancing publicly funded, universal representation for immigrants facing detention and deportation.<sup>2</sup> Unlike in our criminal legal system, there is no public defender system for people facing the devastating consequences of detention and deportation in immigration court. As a result, most people—including an estimated 70 percent of people in detention—must fend for themselves while facing highly trained government attorneys seeking to deport them. At the core of the universal representation model is a belief that everyone is entitled to due process and to be treated fairly, justly, and with dignity under the law. SB0317 would advance universal representation by guaranteeing the right to appointed legal representation to people detained in Maryland facing deportation and Maryland residents detained out of state, including full-scope representation and collateral proceedings.

Pilot programs in Maryland localities have pioneered universal representation and demonstrated the need for state action. Prince George's County and Baltimore City were two of SAFE's first jurisdictions in 2017 and have remained two of our most important partners and national leaders in the movement for universal representation. These programs have successfully served and strengthened their communities, reuniting families and improving economic prospects for clients. Recently, Prince George's County grew its program – both in funding and capacity - to ensure that the program can reach even more people and have greater community impact. SB0317 would not interrupt these existing and successful local programs. Action from the state, through SB0317, would build on these critical local successes, provide state support for existing programs, and make a defense possible for all detained residents across the state as well as for those detained out of state.

During the pandemic, the stakes for people facing deportation while incarcerated in immigration detention could not be higher, and legal representation can mean the difference between life and death. Detained immigrants face increased public health risks as detention facilities are a vector of the spread of COVID-19.<sup>3</sup> Conditions inside detention facilities, where people are crowded in close quarters with limited access to soap and sanitizing agents, create high risk for the rapid spread of this dangerous virus.<sup>4</sup> As of January 20, 2021, ICE has reported that 8,946 people in

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<sup>1</sup> Vera Institute of Justice, *Profile of the foreign-born population in Baltimore, Maryland* (New York: Vera Institute of Justice, 2020), <https://www.vera.org/downloads/publications/profile-of-foreign-born-population-baltimore.pdf>.

<sup>2</sup> For more information and additional resources, visit <https://www.vera.org/initiatives/safe-initiative>

<sup>3</sup> Vera Institute of Justice, *COVID-19: Criminal Justice Responses to the Coronavirus Pandemic*, (New York: Vera Institute of Justice, 2020), <https://www.vera.org/projects/covid-19-criminal-justice-responses/covid-19-data>

<sup>4</sup> Erica Bryant, *Detention May Become Death Sentence for Vulnerable Detainees*, Vera Institute of Justice, March 25, 2020, <https://www.vera.org/blog/covid-19-1/detention-may-become-death-sentence-for-vulnerable-detainees>.

detention have tested positive for COVID-19 across 126 facilities, an increase of over 1,700 positive cases since November, despite decreasing numbers of people in detention during this time. At any point between March 14, 2020 and January 2, 2021, a total of 110,141 people have been detained by ICE. Estimates published by Vera suggest ICE is severely underreporting the prevalence of COVID-19 in detention. At the time our epidemiological model was published, we estimated the true number of people in ICE detention with COVID-19 to be as much as 15 times higher than official numbers.<sup>5</sup> The threat to the health of detained immigrants, detention staff, and surrounding communities continues to compound, deepening the crisis and thwarting communities' efforts to stem the spread of the virus.<sup>6</sup>

Winning freedom from detention has never been more critical. Lawyers provided as part of universal representation programs have been fighting tirelessly on behalf of those detained, even as ICE continued to irresponsibly arrest community members and resist public calls for humanitarian release. Attorneys in Maryland, including the Capital Area Immigrant Rights (CAIR) Coalition, work in coordination with CASA and as part of the emergency response network for immigrant communities, fighting for the health, safety, and dignity of their clients amid COVID-19. While the new federal administration is taking steps to ameliorate some of the harms inflicted on immigrant communities, the prior administration instituted more than 400 anti-immigrant policies and appointed hundreds of immigration judges. Reversing that harm will only be possible with dedicated legal advocacy. Ensuring that immigrants can benefit from new opportunities to obtain release from detention and lawful status to remain in the United States will also require legal representation to understand and exercise any new legal options.

Although the need is particularly acute during a pandemic, universal representation is critical so long as community members face the detention and deportation machinery. The consequences of deportation proceedings – exile from family and community and possible harm or death in the country of origin – are dire; without representation, detained immigrants languish in detention and are only likely to win their cases – and the opportunity to remain lawfully in the United States – two percent of the time.<sup>7</sup> And yet, less than half of detained individuals appearing at the two local Immigration Courts (Baltimore and Arlington) are represented, reflecting only slightly higher representation rates than those seen nationwide, where nearly 70 percent go unrepresented.<sup>8</sup>

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<sup>5</sup> Dennis Kuo, Noelle Smart, Zachary Lawrence, and Adam Garcia, *The Hidden Curve: Estimating the Spread of COVID-19 among People in ICE Detention* (New York: Vera Institute of Justice, 2020), 3, <https://perma.cc/2TT2-32GA>.

<sup>6</sup> For additional information see Gregory Hooks, *The Early Arrival of COVID-19 in Counties and Regions with Large Prison and Jail Populations*, (Northampton, MA: Prison Policy Institute, 2020), [https://www.prisonpolicy.org/reports/covidspread\\_timing.html](https://www.prisonpolicy.org/reports/covidspread_timing.html)

<sup>7</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court (Special Report)*, (Washington, DC: American Immigration Counsel, 2016), 19, [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf).

<sup>8</sup> The representation rate in immigration court fluctuates slightly over time. Historically, 81 percent of detained immigrants have lacked representation— between October 2000 and November 2019, 81

Representation makes a significant difference. Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United States.<sup>9</sup> Despite increasingly steep odds in immigration court proceedings, 35 percent of SAFE clients whose cases have been completed thus far have won the right to remain in the United States.<sup>10</sup>

In addition, representation returns dignity to an otherwise cruel and unjust process, and it helps keep families, businesses, and communities together. People helped through universal representation programs like those of the SAFE Initiative are deeply entrenched members of our workplaces and communities. SAFE clients have lived in the United States for an average of 14 years.<sup>11</sup> Seventy-seven percent of SAFE clients and 92 percent of SAFE Maryland clients are the primary breadwinners for their families.<sup>12</sup> The impact of SAFE in its first three years make clear the stark reality: without counsel, many SAFE clients who have a right to remain in the United States would instead have been deported, separated from their families and homes, or forced to return to the very conditions from which they fled to seek protection.

By ensuring equal access to due process for all, SB0317 is also critical to necessary state efforts to address systemic racial injustice. The racial biases and inequities that plague our criminal legal system pervade the immigration system. Black immigrants, who are more likely to be stopped, arrested, and incarcerated, are disproportionately funneled into the immigration enforcement system as a result of that contact with the criminal justice system.<sup>13</sup> Publicly funded deportation defense programs keep together families and serve communities who are criminalized and targeted by over-policing and increased immigration enforcement. They help secure the release of people from detention, seek to disrupt the pipeline between the criminal and immigration systems, restore due process, and build community trust.

Universal representation is also widely supported by the public. A recent national poll conducted by the Vera Institute in partnership with Lucid found an overwhelming 67 percent of people in the United States support government-funded lawyers for immigrants facing

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percent of all people in detention had never been represented (1,237,252 of 1,526,419 cases). The rate has improved slightly over the past two decades, with approximately 70 percent unrepresented in recent years—between October 2012 and November 2019, 70 percent of all people in detention had never been represented (327,828 of 466,756 cases), with the exact percentage varying slightly from year to year. *See* Transactional Records Access Clearinghouse (TRAC), “Details on Deportation Proceedings in Immigration Court,” accessed January 13, 2020.

<sup>9</sup> Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (2015), 9, <https://perma.cc/7J65-CZCM>.

<sup>10</sup> Vera Institute of Justice, *Rising to the Moment: Advancing the National Movement for Universal Representation (Years 1-3 of the SAFE Initiative)* (New York: Vera Institute of Justice, 2020), 9, <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>

<sup>11</sup> *Id.* at 22

<sup>12</sup> *Ibid.*

<sup>13</sup> Jeremy Raff, “The ‘Double Punishment’ for Black Undocumented Immigrants,” *Atlantic*, December 30, 2017, <https://perma.cc/R7UZMKF7>

deportation.<sup>14</sup> Locally 71% of people in the Baltimore metropolitan area support government funded attorneys for immigrants facing deportation.<sup>15</sup>

Jurisdictions across the country this year have similarly moved forward and expanded funding for deportation defense, ensuring that vulnerable neighbors are not left behind when support is needed the most. Most recently, Governor Cuomo proposed full funding of New York State's immigrant legal services program, including the similar New York Family Unity Project (NYIFUP) project for FY22.<sup>16</sup> New Jersey doubled its state deportation defense fund to \$6.2<sup>17</sup> million; Harris County, TX<sup>18</sup> invested \$2.5 million to establish a new program; and Denver, CO<sup>19</sup> more than doubled its fund this year because of the increased need for legal services amid the pandemic.<sup>20</sup> These national efforts are a resounding affirmation of the success of universal representation pilot programs and the role of local and state government in ensuring protections of its communities. The state of Maryland has a critical opportunity now to expand and guarantee access to representation for immigrant residents, leading the growing national movement of universal representation.

### **SB0088:**

Representation alone is not enough to address systemic issues and structural racism pervasive throughout the detention and deportation machinery. By limiting police partnership and collaboration with ICE and other federal immigration enforcement agencies, including through Section 287(g) agreements, SB0088 ("Trust Act") is crucial to limiting the number of people who are ensnared with detention in the first place. Limitations on police and ICE collaboration have the further benefit of ensuring local resources are not used for federal immigration enforcement.

The most insidious elements of the criminal legal system are amplified when immigrants come into contact with law enforcement. As the disparate racial impacts of policing, and the criminal legal system more generally, cascade into the immigration system, immigrants of color feel the

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<sup>14</sup> Lucila Figueroa and Nina Siulc, *It's Time to Provide Government Funded Lawyers to All Immigrants Facing Deportation*, Vera Institute of Justice, January 14, 2021, <https://www.vera.org/blog/its-time-to-provide-government-funded-lawyers-to-all-immigrants-facing-deportation>.

<sup>15</sup> Based on a forthcoming report by the Vera Institute of Justice.

<sup>16</sup> *Governor Cuomo Outlines FY2022 Executive Budget*, Press Release (January 19, 2021), available at <https://www.budget.ny.gov/pubs/press/2021/fy22-exec-budget.html>.

<sup>17</sup> See NJ FY21 Appropriations Handbook, Pg. B-1234; NJCFS Account No. 21--100--054--7500--536, available at <https://www.nj.gov/treasury/omb/publications/21approp/FY21FullAppropAct.pdf>

<sup>18</sup> Zach Despart, "Harris County Oks \$2.5M to help poor immigrants fight deportations," *Houston Chronicle*, Nov. 10, 2020, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-OKs-2-5M-to-help-poor-immigrants-15717330.php>.

<sup>19</sup> See Denver Mayor's City Budget Volume 1, pg. 266, 2020 Budget Impact of COVID-19 and Mid-year Reductions (An increase in services and supplies to increase funding for the Immigrant & Refugee Affairs Legal Services Fund), available at [https://www.denvergov.org/content/dam/denvergov/Portals/344/documents/Budget/2020/2020BudgetBook\\_Vol1-2-3.pdf](https://www.denvergov.org/content/dam/denvergov/Portals/344/documents/Budget/2020/2020BudgetBook_Vol1-2-3.pdf).

<sup>20</sup> To see a map of all publicly funded deportation defense programs nationwide, visit [www.vera.org/safe-initiative](http://www.vera.org/safe-initiative).



double oppression that comes from over-policing from both law enforcement and immigration enforcement. Research suggests that just as Black people are more likely than white people to be targeted by police, Black immigrants are also disproportionately vulnerable to immigration enforcement and deportation.<sup>21</sup>

SB0088 would help to dismantle the harmful arrest to deportation pipeline by preventing law enforcement from inquiring about immigration status, detaining on behalf of ICE, and notifying and transferring an individual to federal immigration authorities for the purpose of enforcement without a judicial warrant. SB0088 also requires the Attorney General to create guidance on immigration enforcement on the premises of “sensitive” locations, like schools, hospitals, and courthouses.

Section 287(g) agreements and other efforts that deputize local authorities as ICE agents perpetuate dangerous structural racism intrinsic to the immigration and criminal legal systems. Since its inception, studies have shown 287(g) collaborations to lead to racial profiling, increased policing and enforcement of immigrant communities, and have undermined public safety.<sup>22</sup> In a study on the effects of local jail expansion on immigration enforcement in Alamance County, North Carolina, for example, Vera found that after the county joined 287(g) in 2006, between 2008 and 2013, Latinx people were six times more likely to be pulled over by the Alamance County Sheriff’s Department than non-Latinx people. The same report highlights that an organizer with a local activist group “estimates that this new collaboration eventually resulted in 10 percent of the Latinx community being deported during that period.”<sup>23</sup>

Local collaboration with immigration authorities has long been problematic, but amid the spread of COVID-19, enforcement and frequent movement and transfers of individuals in and out of jails and detention facilities especially carries dangerous public health consequences. Indeed, an Arkansas Sheriff recently ended a 287(g) agreement because of concerns of increased transmission of COVID-19.<sup>24</sup>

In addition, studies show that 287(g) programs do not actually keep communities safe- rather, they undermine public safety by instilling fear in and distrust by immigrants, making them less

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<sup>21</sup> Juliana Morgan-Trostle and Kexin Zheng, *The State of Black Immigrants—Part II: Black Immigrants in the Mass Criminalization System* (New York: Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, 2016), 20, <https://perma.cc/NHM8-CFFZ>.

<sup>22</sup> Randy Capps, Marc Rosenblum, Cristina Rodriguez and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*, (Washington, D.C.: Migration Policy Institute, 2011), <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

<sup>23</sup> Oliver Hinds and Jack Norton, *No Chance Alamance*, (New York: Vera Institute of Justice, 2020) <https://www.vera.org/in-our-backyards-stories/no-chance-alamance>.

<sup>24</sup> *Washington County Sheriff’s Office suspends the 287(g) Program due to coronavirus concerns*, 5News, Washington County, Arkansas (April 17, 2020), <https://www.5news.com/article/news/local/washington-county-sheriffs-department-suspends-287-g-prgram-coronavirus/527-d3dcdd68-6421-4be7-97c0-5a54d45866f7>

likely to report crimes that they witnessed or experienced.<sup>25</sup> A 2011 study by the Migration Policy Institute found that about half of 287(g) activity involved noncitizens arrested for misdemeanors and traffic offenses.<sup>26</sup> In Frederick County, at least 80% of the 287(g) arrests were for low-level offenses and over 60% were for traffic offenses in FY10.<sup>27</sup>

Finally, local collaboration with federal immigration enforcement is costly for communities. Budgets are moral documents, representing priorities of our communities' needs and values. State and local governments shoulder the majority of costs associated with 287(g) agreements, including training, salaries and overtime for policing work performed in furtherance of federal immigration enforcement, and detention.<sup>28</sup> Additional costs include legal liability common to 287(g) enforcement as well as the public health impacts.<sup>29</sup> Instead of diverting local resources for federal immigration enforcement that harms and criminalizes our communities, it is time for the state to ensure that state and local resources are invested in programs that protect and support communities, like universal representation.

When Vera's SAFE Initiative was launched in 2017, jurisdictions across the country like Denver and Philadelphia, stood up deportation defense programs as part of broader local efforts to stand up for immigrant rights, including sanctuary measures that ended Section 287g participation and local collaboration with ICE. We are now at another pivotal juncture for the future of immigrant justice and state efforts to provide for immigrant protections will continue to shape the course of our national movement for universal representation, racial equity, and an end to the criminalization of immigrants.

We urge your support of SB0088 and SB0317 so that the State of Maryland leads a roadmap for action for immigrant communities, public investment in its communities, and a new vision of justice.

Thank you for your consideration. Please feel free to reach out to me at [clazar@vera.org](mailto:clazar@vera.org) or (917) 923 6847 for additional questions or information.

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<sup>25</sup> Laura Muñoz Lopez, *How 287(g) Agreements Harm Public Safety*, (Washington, D.C.: Center for American Progress, 2018), <https://www.americanprogress.org/issues/immigration/news/2018/05/08/450439/287g-agreements-harm-public-safety>.

<sup>26</sup> Randy Capps, Marc Rosenblum, Cristina Rodriguez and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement*, (Washington, D.C.: Migration Policy Institute, 2011), 2, <https://www.migrationpolicy.org/sites/default/files/publications/287g-divergence.pdf>.

<sup>27</sup> *Id.* at 56.

<sup>28</sup> Laura J.W. Keppley, *287(g) Agreements: A Costly Choice for Localities* (Washington, D.C.: Niskanen Center, 2020), <https://www.niskanencenter.org/287g-agreements-a-costly-choice-for-localities/>.

<sup>29</sup> See for example, Dominique Maria Benessi, "ACLU Settles Discrimination Lawsuit with Frederick County Over Immigration Enforcement", *dcist*, Jan 21, 2021, <https://dcist.com/story/21/01/21/aclu-settles-lawsuit-frederick-county-sheriff-discrimination>

Sincerely,

*Corey Lazar*

Corey Lazar  
Senior Program Associate  
SAFE Initiative, Vera Institute of Justice

cc: Vice Chair Waldstreicher  
Senator Bailey  
Senator Carter  
Senator Cassilly  
Senator Hettelman  
Senator Hough  
Senator Jackson  
Senator Lee  
Senator Sydnor  
Senator West

# **Testimony SB0317 illegal immigrant counsel.pdf**

Uploaded by: Halverson, Laurie

Position: UNF

SB0317- **Oppose**

**January 25, 2021**

Laurie Halverson  
Potomac, MD  
LD-15

Member of the Judiciary Committee. I am asking you to submit an unfavorable report for SB0317.

If passage of this bill means that any taxpayer funds are going toward the cost of legal representation for illegal immigrants, I do not support this. I don't see a fiscal note on this bill, which would be helpful in understanding how this is funded.

Why would our state budget be used to fund people who break the law just in the case of those who broke immigration laws, while other people who break other laws don't have this state service? This seems unfair to all legal citizens who break the law who must pay for their own counsel.

This bill appears to favor illegal immigrants over any citizen who breaks the law. Why would anyone support this? We all have compassion for people fleeing their country for a better place, but why should my taxpayer dollars fund this? There are plenty of nonprofits (CASA for example) that is well funded and can help these individuals without funding from the state budget.

# **Maryland Testimony Opposing SB 317 - Right to Coun**

Uploaded by: Rendall, Shari

Position: UNF

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*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.*



FEDERATION FOR AMERICAN IMMIGRATION REFORM

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 signature is written in a cursive, flowing style.

Shari Rendall



# **SB 317 Testmony Against.pdf**

Uploaded by: Tu, Chengbiao

Position: UNF

Jan 25, 2021

Mr. Chairman and respectful committee members,

Good afternoon. My name is Cheng Tu and I am a legal immigrant and US citizen residing in Rockville.

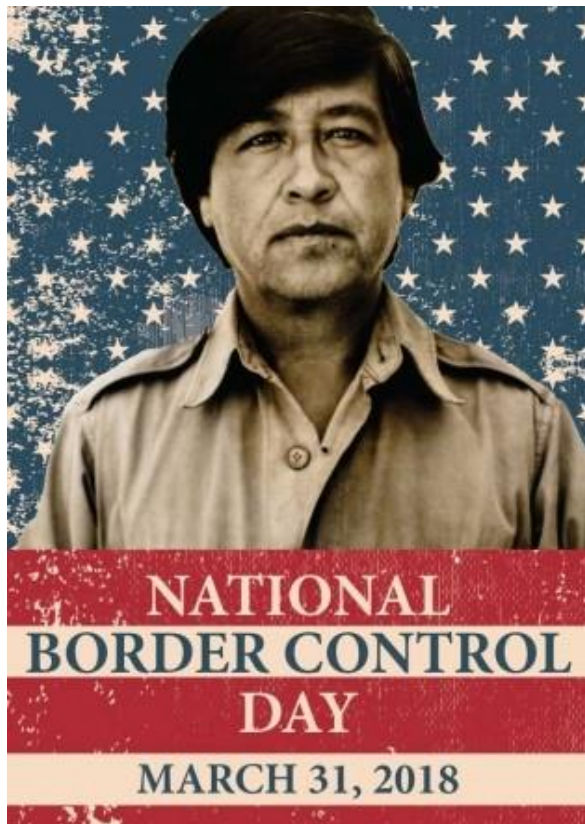
I am here to **testify against SB317** because Maryland should NOT use tax payers fund to support illegal immigration.

I came to the U.S. as a graduate students 25 years ago. After we decided to permanently live in this country, my wife and I spent out of our own packet to get legal assistance to file the paperwork. We follow every step the law and regulation required and waited in line to be naturalized. It is simply wrong to use my tax dollars to fund illegal immigration, which is against the law of this land.

I urge you to work for the benefit of poor and helpless in the minority community, including legal immigrants and US born. Stop working for the benefits big business and nonprofit organization who feed on government dollars. The minority community put their trust in you. As their presentative, do not default their trust.

I am AGAINST this bill.

Cheng Tu



# **SB317.pdf**

Uploaded by: Walton, Robert

Position: UNF

Dear Sir or Madam:

As a Maryland resident I'm disappointed by the constant attempt to modify the law to support those who are not following the law. We have a path to citizenship in the United States that has made new citizens of over 7.4 million people. I applaud them for doing so.

However, just because the path to citizenship is lengthy and may be cost prohibitive for some, does not mean that we should legislate around it. Those who are here illegally (that is to say, who are here intentionally not following our laws), are more likely to break other laws.

Providing taxpayer-funding to legal representation for illegal aliens is a perversion to the justice system. It takes someone who is living outside of our laws and grants them rights they are not privy to, nor should they be. Providing taxpayer-funding to legal representation is unfair because it is unavailable to legal immigrants who are required to pay out of their own pockets for civil proceedings.

Law enforcement exists to ensure that your public, the ones who voted for you, are safe and able to live our lives without being impacted by those who are not following the law of the land. This bill would conflict with federal law.

I fail to see how the state of Maryland and its taxpayers can afford another expense at a time when we are hemorrhaging money for the pandemic, and business owners are losing their businesses due to poorly management shutdowns.

In addition, this bill seems to be in conflict with federal law which prohibits the federal law that requires aliens who wish to be represented by legal counsel do so at no cost to the government.

If Maryland continues working towards sanctuary policies, we will become more attractive to more illegal immigration which will only result in higher costs of living, reduced job availability, lower wages, and even higher crime rates. Something Maryland can ill afford.

I am following our processes in the state of Maryland to object to this bill, and any like it. I will not vote for anyone who supports legislation like this now, or ever.

Sincerely,

R. Aaron Walton

**SB 317 Written Testimony 1\_27\_2021.pdf**

Uploaded by: Waychoff, Amy

Position: UNF

Amy Waychoff  
SB 317  
Judicial Proceedings Committee  
Opposed

January 27, 2021

My name is Amy Waychoff, and I have lived in Montgomery County for over 33 years. Thank you for giving me the opportunity to provide testimony on SB 317. This bill would set up a *full-time taxpayer-funded* office to provide legal representation to illegal aliens facing deportation. This legislation is in direct contravention to federal law, which only allows illegal aliens to retain counsel at their own expense or pro bono. While federal law provides legal representation for criminal prosecutions, deportation is a civil administrative procedure. This bill is therefore unfair to citizens and legal immigrants who must pay out of pocket for civil legal issues such as foreclosure and eviction proceedings.

In a time of budget cutting during the pandemic, it is astounding that the Maryland legislature would even consider this outlay on behalf of illegal aliens. Additional costs in this bill would be incurred due to the requirement for extensive educational efforts to make sure illegal aliens know that this free legal aid is available to them. Illegal aliens residing in Maryland who are in another state when facing deportation will also receive this financial aid. The legislation even provides “a stipend to a designated community group to facilitate coordination between out-of-state legal representation and the covered individual’s family members!” In conclusion, SB 317 is an affront to the rights and pocketbooks of Maryland citizens and legal residents.

Sincerely,

Amy Waychoff  
4511 Amherst Lane  
Bethesda, MD 20814  
LD 18  
[waychoff@comcast.net](mailto:waychoff@comcast.net)