

# **Testimony of Immigrant Justice Corps**

**on**

## **SB317/HB750**

**Presented To**

### **The Maryland General Assembly**



**Jojo Annobil, Executive Director**

**March 3, 2021**



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Maryland Right to Counsel for Immigrants**

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Immigrant Justice Corps (IJC) is delighted to submit testimony supporting Capital Area Immigrants' Rights Coalition, Maryland Office of the Public Defender, and CASA's bill, SB317/HB750, which will ensure that, for the first time ever, every detained immigrant resident of Maryland, has representation in deportation proceedings. As a non-profit fellowship program dedicated to increasing access to counsel for immigrants, we commend Prince George's County and Baltimore City, localities in Maryland, for continuing to uphold their counties longstanding tradition of welcoming and supporting our fellow immigrants—from those who have called these Maryland Counties their home for years to newcomers who, for unimaginable reasons, recently journeyed in search of peace and shelter to settle in these counties. With that tradition in mind IJC enthusiastically submits this testimony hoping that the State of Maryland will join Immigrant Justice Corps and Capital Area Immigrant Rights (CAIR) Coalition in making history by implementing universal representation for all detained residents of Maryland.

**Organizational Information**

Immigrant Justice Corps (IJC) is the country's first and only fellowship program dedicated exclusively to meeting the need for high-quality legal assistance for immigrants fighting deportation, seeking a path to lawful status and citizenship. IJC's goal is to use legal assistance to lift immigrant families out of poverty – helping them access secure jobs, quality health care and life-changing educational opportunities. Inspired by the Katzmann Study Group on Immigrant Representation,<sup>1</sup> IJC brings together the country's most talented law school and college graduates, connects them to premier legal services providers and community-based organizations nationwide, leverages the latest technologies, and fosters a culture of creative thinking that produces new strategies to reduce the justice gap for immigrant families, ensuring that immigration status is no longer a barrier to social and economic opportunity. Now in our seventh year, IJC has trained and placed over 200 Justice Fellows (law graduates) and Community Fellows (college graduates) in support of our mission to increase both the quantity and quality of immigration legal services. All our fellows are lawyers, or Department of Justice accredited representatives. Today, an IJC fellow can

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<sup>1</sup> See Steering Comm. of the N.Y. Immigrant Representation Study Report, *New York Immigrant Representation Study Report, Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings* (pt. 1), 33 CARDOZO L. REV. 357 (2011).

be found on almost every corner of our country, from New York to California and from Texas to Minnesota. Thus, while we are headquartered in New York City, our collective experience is national in scope.

### **The Need for Immigration Representation**

Immigration law and court procedures have always been challenging. But what we witnessed the past four years, locally and nationally, was the purposeful weaponization of our immigration system. For those who depend on a justice-oriented system based on impartiality, transparency, and inclusion to decide who merits relief, such aspirations were surgically excised from immigration proceedings. It will take years to undo these harms, and for many families at risk, the harm has been irreparable. In four short years we saw the steady implementation of procedural and substantive policies built with a single purpose: to render asylum and other forms of relief illusory for more people, including Maryland residents. Thus, while localities in Maryland like Prince George’s County and Baltimore City have taken great strides to improve the lives of immigrants and their families—setting an example for other municipalities by representing detained immigrants—this bill will allow every resident detained in deportation proceedings to have a trustworthy and competent counsel.

Unlike criminal and family court proceedings, immigrants facing the dire consequences of deportation in immigration court are not entitled to a court appointed counsel. Most immigrants facing removal in Maryland do not have counsel. At both the state and county level, rates of detention and deportation in Maryland have increased, and as many as 69 percent of detained immigrants in Maryland proceed unrepresented in immigration court. In any given year, there are at least 400 Maryland residents detained by Immigration and Customs Enforcement (ICE) in three county jails in Maryland, and many more detained in neighboring Virginia or transferred to isolated out of state detention centers.

It is estimated that the backlog of immigration cases for both detained and non-detained residents in Maryland has reached over 30,000 people.<sup>2</sup> The pandemic, which has affected us all, has had some of the most dire impacts on the immigrant community, who were simultaneously villainized by the recent national administration, left out of most pandemic relief support programs, and often forced to risk their health as essential workers, preserving a small sense of “normalcy” for the rest of their communities. Since the beginning of the pandemic, fears that ICE detention centers would become hotbeds for COVID-19 infection have proven true, with reports of inmates and workers across the county becoming infected and even dying.

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<sup>2</sup> [https://trac.syr.edu/phptools/immigration/court\\_backlog/](https://trac.syr.edu/phptools/immigration/court_backlog/) (State of Maryland Pending Cases as of 2021)

Amidst all this, the detention docket is still moving forward, causing people to go in and out of detention centers, risking both bringing in and taking out the virus. Now more than ever, detained Maryland residents need legal representatives to fight for their freedom—it could save their lives.

The Prince George's County Immigrant Services and Language Access (ISLA) pilot project and the Baltimore City Mayor's Office of Immigrant Affairs (MIMA) began offering services in December 2017, leading to many successful outcomes for residents of these jurisdictions. So far, CAIR Coalition has conducted over 500 legal consultations with detained residents of these jurisdictions in the four detention centers across Maryland and has offered full representation to more than 144 detained individuals, affecting over 150 Maryland residents - spouses, partners, or children of those represented.

In 2018, Immigrant Justice Corps joined the fight for justice for detained immigrants by investing \$280,000 worth of legal talent, sending two Justice Fellows – young lawyers at the beginning of their careers – to work at CAIR Coalition and represent vulnerable detained immigrants during the two-year fellowship program. In nearly three years, we have seen the need for representation in Prince George's County continue to grow, and we have also seen the commitment that the residents and elected officials of these counties have to safety and justice. And that is why we must do more.

Beginning in September 2020, IJC piloted an Access to Counsel program with the CAIR Coalition in Prince Georges County to substantially close the representation gap. IJC invested substantial resources, by infusing a large number of Fellows into Maryland. Instead of the traditional route of sending a pair of Fellows to a host organization, IJC placed nine Fellows—six Justice Fellows (lawyers) and three Community Fellows (College graduates)—at CAIR Coalition, representing a scale of investment that has dramatically increased representation for low-income immigrants in Prince George's County and will accelerate systems change at the Baltimore Immigration Court. Together, we will eliminate the representation gap and generate proof that universal representation results in better outcomes for both immigrants and their families and for justice and due process. Most important, this targeted infusion is building a pipeline of quality and ethical lawyers and advocates with expertise to represent Maryland residents under this bill. IJC and CAIR's pilot should compel state leaders across Maryland to support this beacon of hope.

Maryland is the ideal model state for universal representation because of the courage and leadership its leaders have demonstrated in protecting its immigrant community members. In addition, the small number of unrepresented cases makes resolving the justice gap realistic. Currently CAIR covers only a fraction of the unrepresented cases in the jurisdiction. IJC believes that its infusion of legal talent to Prince George's County, and passage of this bill in Maryland can help reverse the troubling lack of representation for immigrants and catalyze the state—and eventually, the nation-- to move towards universal representation.

There is an urgency to protect immigrant communities and avoid separation of families. The change in federal administration has not diminished the urgency. IJC and CAIR Coalition's universal representation model demonstrates that quality counsel changes everything, and that should compel state leaders across Maryland to support this beacon of hope.

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We commend Maryland's local jurisdictions for its continued leadership in funding representation for its detained residents. We urge the State to invest in this crucial work and commit funds for a Coordinator position at the Maryland Office of the Public Defender, who will manage the program across the state. We look forward to working together to achieve true universal representation, a right to counsel, for all detained Maryland residents.

Submitted by,

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