
BILL NO: House Bill 304
TITLE: State and Local Government - Participation in Federal Immigration Enforcement
COMMITTEE: Judiciary
HEARING DATE: March 3, 2021
POSITION: **SUPPORT**

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. Until she is assured she has the option of petitioning for legal immigration and work status, without the sponsorship of the abuser, she is unlikely to pursue the criminal and civil legal remedies that will protect her and promote safety for the community at-large.

Because of our clients' unique and vulnerable position in our society, the WLC strongly supports HB304. This legislation clarifies and limits the authority of state and local law enforcement and correctional agencies and employees to assist federal immigration authorities with civil immigration enforcement. It does not address criminal immigration enforcement. In so doing, this bill would help ensure that all Marylanders, regardless of immigration status, have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve. Amongst the many things HB304 specifically does are the following:

- Outlaw intergovernmental services agreements for purposes related to civil immigration enforcement. This would include the 287(g) program which deputizes state and local officers, with minimal training, to assist with federal immigration enforcement. It wastes limited local resources, exposes localities to increased rates of liability, and has a direct impact on victims of crime who will neither report the crimes against them, nor seek out resources in response, due to fear of deportation at the hands of those officers who have sworn to protect them.
- Express that it is the intent of the General Assembly to maintain community trust in governmental operations and law enforcement;
- Ensure that when an individual becomes eligible for release on state charges, and there is no existing judicial warrant, he or she will not be held solely on the basis of an immigration detainer request – a practice that the MD Attorney General has opined as likely unconstitutional;

- Outlaw the practice of local law enforcement officers making inquiries into immigration status or assisting the federal government in civil immigration enforcement. This provision would not impact criminal investigations or enforcement;
- Ensure that a state or local law enforcement official may not stop, arrest, search or detain anyone solely for the purpose of investigating a suspected immigration violation or solely because of an administrative warrant;
- Outlaw the spending of state fiscal resources to assist with federal immigration enforcement;
- Outlaw assisting with, maintaining, or creating state or federal registries for the purpose of discrimination against individuals on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origin;
- Ensure that the Attorney General, in consultation with stakeholders shall create and institute policies for public schools, hospitals, and courthouses to ensure accessibility to all regardless of immigration status.

Importantly, this legislation does not alter the criminal legal system, but rather works to restore community trust in our law enforcement officials, improve public safety, and stop the expenditure of precious local dollars on federal enforcement efforts. Survivors of domestic violence and sexual assault must be able to safely report their abuse, and seek services, without fear of deportation. When they are forced into silence it risks not only their lives and safety, but the safety and order of the entire community. For all the foregoing reasons, the WLC supports House Bill 304 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.