

HB 0750 – SUPPORT
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Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator
House Judiciary Committee
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Dear Chair Clippinger and members of the House Judiciary Committee:

My name is a Maya DeGasperi and I am a Legal Assistant at Capital Area Immigrants' Rights (CAIR) Coalition. I am also a resident of Maryland living in Baltimore City. As a legal assistant working with Maryland residents in immigration detention, I am writing to express my support for HB 0750: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I have been working in immigration law since August, when I began my work as a Legal Assistant at CAIR Coalition. In August I also moved to Baltimore City for the position I and am now a Maryland resident.

I work within the Legal Orientation Program at CAIR Coalition, providing legal orientations and general information to newly detained people, and also follow up with the cases of individuals who are unable to find representation and must proceed *pro se*. Even in the relatively short time that I have been working with *pro se* detained individuals, I have been struck by the extreme difficulties facing these individuals in detention and the egregious due process concerns.

As LOP providers, we are limited to providing legal information, rather than advice, to individuals we are following up with. We also face high numbers of unrepresented detained individuals, while we have limited time and resources to help everyone. I am currently following up with the cases of six individuals, and while I do my best to provide as much information and case support as I am able, I know that each person would greatly benefit from representation and an attorney that could make legal arguments on their behalf.

Of the myriad issues facing clients in detention, some that have been most prominent to me are language barriers, difficulties gathering evidence for a case from within detention, complexity of immigration proceedings, and mental health issues. I have been following up with a *pro se* individual since January who was recently able to receive representation through the Universal Representation program, but who has faced many of the aforementioned barriers in fighting his case *pro se*. Before I began following up with the case of this individual, he had multiple Master Calendar hearings but struggled to get in touch with CAIR coalition due to a COVID19 outbreak at the facility and lack of knowledge about our hotline phone number. He filed an application for fear-based relief on his own, but submitted this application in Spanish and thus the judge rejected it. Luckily, we were able to get in touch with him and translate this application, but had limited time to gather evidence and he was forced to request a continuance from the judge in his following hearing. While gathering evidence for his case, this individual had limited time to access the phones at the facility and thus had few opportunities to reach out to family and friends for case evidence. While a friend mailed notarized declarations from family in El Salvador to the facility, the individual never received these documents.

Mental health issues, including both pre-existing conditions and the psychological stress of prolonged detention, have also been prominent issues I have observed in my time working with detained individuals. Individuals I have followed up with have expressed to me mental health issues including

PTSD, depression, memory loss, and suicidal ideation, stemming from both detention and often traumatic personal histories which they must relive when applying for relief. I have observed the difficulties that detainees struggling with depression face in maintaining the focus and energy required to understand complex immigration law and collect evidence from within detention. Pre-existing mental health conditions like brain trauma and memory loss are also issues facing detainees that are struggling to represent themselves in immigration proceedings. One individual I have been following up with since December appears to have suffered a Traumatic Brain Injury, and each time I speak with him he expresses that he is unable to communicate his fear clearly with the judge and that his head hurts constantly. This individual has not yet been appointed a qualified representative, and since he is proceeding *pro se* we must rely on his ability to convey to us what happens in each of his immigration court hearings.

I support the MD Universal Representation Bill because in working with detained individuals I have observed a multitude of barriers they face to fighting their case, and it is unjust for any individual to have to navigate complicated immigration proceedings without representation. If this testimony is not sufficient enough evidence of that, there are also telling statistics that speak to the barriers individuals face in accessing representation and the much greater access to justice for represented individuals. A report from the American Immigration Council found that only 14 percent of detained immigrants acquired legal counsel, and that immigrants with an attorney fared much better at every stage in the court process, from custody hearings to applications for relief to obtaining relief at trial (<https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>). Detained clients are 10.5x more likely to lose their case when they don't have a lawyer (https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review). These statistics speak to both the difficulties detained immigrants face in acquiring representation, as well as the lack of due process protections for *pro se* detained individuals. I am assured that in order to protect the rights of detained immigrants and create a just immigration legal system all Maryland residents must have access to representation in their immigration proceedings. I urge a favorable report on HB 0750.