



RESOURCES FOR THE FOREIGN BORN

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March 1, 2021

RE: In Support of House Bill 750

Dear Chair Clippinger, Vice-Chair Atterbeary, and members of the Judiciary Committee:

FIRN is a nonprofit organization located in Howard County, Maryland that empowers immigrants, refugees, asylees and other foreign-born individuals throughout Central Maryland by helping them access community resources and opportunities. FIRN opened its doors in October 1981 and serves immigrants from over 90 countries. We recognize the important contributions that immigrants make to all aspects of our society.

FIRN is fully aware of the ongoing lack of access to counsel for detained immigrants, who are often placed in detention centers far from their home and family. FIRN is encouraged and eager to see Universal Representation be adopted in the State of Maryland. Detained immigrants in particular often lack resources and capacity to find affordable representation, leaving many to fail in their attempt to represent themselves before the immigration courts. Criminal law renders it a fundamental right of all defendants, regardless of status, to be represented in their proceedings; and yet we deny this right to immigrants, who often have no criminal conviction, and who face impossible barriers in trying to navigate a complex and fluid immigration legal system.

With that in mind, FIRN expresses its wholehearted support for the concept of Universal Representation set forth in HB750. Nevertheless, this bill requires additions or clarifications. In reviewing the latest text available, it is unclear, whether the coordinator placed with the Office of the Public Defender (“OPD”) would provide any direct legal services or instead coordinate a system of referrals to outside organizations. Our expectation is for the later scenario, and for that clarification is needed regarding the amount and source of funding available to these organizations or attorneys so as to ensure adequate representation sufficient to cover the number of cases. If the goal is truly universal representation, clarity in the budgetary details is not just necessary for the office of the coordinator, but also for those organizations likely to be called upon to facilitate the direct services contemplated by the bill.

In addition, FIRN believes HB750 may require some modification to provisions that would require legal representatives to litigate a case through appeal. While it is certainly appropriate and necessary in many instances to assure immigrants are not left without counsel, and many have meritorious appeals, FIRN suggests that language be added to the bill to ensure practitioners may withdraw from representation where appropriate, such as where ethical duties to the tribunal do not permit an appeal.

With these clarifications and additions, FIRN believe this legislation on Universal Representation is possible in Maryland and we strongly support ongoing discussion to assure this

bill serves the greater interests of justice in our community by assuring all detained immigrants have access to counsel in removal proceedings. It is imperative that we close this existing gap in the immigration legal system so that every individual is guaranteed the basic right of legal representation. We recommend HB750 for approval.

Respectfully submitted,

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