
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**

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 immigrants¹. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland².

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 court³. 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

¹ 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

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

³ <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.