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February 3, 2022

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0129 – Access to Counsel in Immigration Proceedings Program – **Support**

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Maryland is a vibrant and diverse state. Approximately 15 percent (911,582) of our population is foreign-born and just over 7 percent (443,489) are noncitizens. Between 2010 and 2014, nearly 300,000 people in Maryland lived with at least one undocumented family member; and 7 percent of U.S. citizen children in Maryland live with at least one undocumented family member.<sup>1</sup> For years, these Marylanders have lived under the constant threat of detention and deportation – an often cruel and inhumane system that rips families apart and captures immigrants with and without lawful status.<sup>2</sup> Despite the similarity to criminal prosecutions—including long periods of incarceration and the potential serious consequence of permanent removal from the country—under current law residents facing deportation proceedings are not entitled to legal counsel. And as with criminal proceedings, systemic racism also permeates immigration enforcement: although Black immigrants comprise only 5.4 percent of the U.S. undocumented population, they represent 20.3 percent of those facing deportation.<sup>3</sup> Senate Bill 129 seeks to address this issue by establishing a universal representation program for immigrants detained in Maryland and Marylanders who are detained outside of the State.

While legal representation does not ensure those facing deportation of a successful outcome (nor should it), it would help protect Marylanders from prolonged and unnecessary detention by increasing the likelihood that those with valid defenses against deportation are more quickly reunited with their families and communities. A 2017 analysis of the Baltimore

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<sup>1</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-in-maryland>

<sup>2</sup> While immigration raids increased significantly under the Trump Administration, prior federal administrations also arrested and deported Maryland residents and some immigration enforcement continues under the Biden Administration.

<sup>3</sup> <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>

Immigration Court found that immigrants without counsel were more than twice as likely to be detained during their entire case.<sup>4</sup> Unfortunately, most Marylanders facing deportation have no legal representation.<sup>5</sup> Moreover, although immigration arrests have decreased under the Biden Administration, there is still a great demand for legal assistance.<sup>6</sup>

The Office of the Attorney General recognizes the importance of legal counsel where critical rights and interests, such as one's liberty, are at stake and supports SB 129 without qualification. For these reasons, the Office of the Attorney General urges a favorable report on SB 129.

cc: Members of the Committee

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<sup>4</sup> [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf)

<sup>5</sup> *See id.*

<sup>6</sup> *See e.g.*, <https://www.npr.org/2022/01/21/1073162105/biden-limits-ice-immigrant-advocates>.