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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



February 1, 2022

The Honorable William Smith, Chairman
Senate Judicial Proceedings Committee
Maryland Senate
Miller Senate Office Building
2 East
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On their behalf, I am writing to express FAIR’s strong opposition to Senate Bill (SB) 129. FAIR opposes providing taxpayer-funded legal representation to illegal aliens in immigration proceedings.

Under SB 129, illegal aliens who are Maryland residents will be provided legal counsel, at taxpayer expense, in removal proceedings just after the action is initiated and not concluding until a final judgment is issued by the Board of Immigration Appeals and all other legal matters have been resolved.

This bill to provide taxpayer-funded legal representation to illegal aliens undermines federal law. Federal law expressly prohibits governments from funding the legal representation of aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law specifies that it must be at no cost to the taxpayers. See [8 U.S.C. 1229a\(b\)\(4\)](#); [8 U.S.C. 1362](#).



Many who support the right of illegal aliens to be given “free” legal representation in immigration removal proceedings compare deportation to criminal prosecutions. In a criminal prosecution, the Sixth Amendment to the U.S. Constitution guarantees the accused the right to have the assistance of counsel for his or her defense, including at taxpayer expense if indigent. See *Gideon v. Wainwright*, 372 U.S. 335 (1963). However, immigration proceedings, including those for removal, are civil and not criminal and do not trigger a right to counsel. In fact, the the Supreme Court has ruled that deportation is not a punishment, but rather a civil administrative procedure whereby someone residing illegally in the United States is returned to their homeland.

Moreover, SB 129 does not exclude criminal aliens facing removal from representation. The legislation only requires that an alien be a resident of Maryland with an income that is not greater than 50 percent of the median income, adjusted for household size, as determined by the US Department of Health and Human Services. This means criminal aliens who have been released back into the community and have removal proceedings initiated against them by U.S. Immigration and Customs Enforcement (ICE) for crimes of moral turpitude could receive taxpayer monies for legal counsel to prevent their deportation.

Furthermore, providing counsel at taxpayer expense to those illegally in the country is patently unfair. Taxpayer-funded legal representation is generally unavailable to citizens or legal immigrants who face civil proceedings such as foreclosures, evictions, divorce, child custody, and even non-criminal administrative disputes with government, such as disputes over taxes, licensing or zoning. Therefore providing this representation to illegal aliens is misguided and patently unfair to the citizens and legal residents who are required to pay out of pocket for their own civil proceedings.

Additionally, the bill requires the Maryland Legal Services Corporation to designate community groups to “educate individuals and families impacted by immigration detention by hosting ‘know-your-rights’ workshops, distributing written information, assisting communities in the formation and maintenance of neighborhood defense committees and any other activity to inform individuals about their rights.” In other words, it requires the MLSC and these designated groups to use taxpayer funds to actively solicit people to spend even more taxpayer funds, a vicious circle.

This bill uses taxpayer funds to support and advance a politicized agenda. Instead of directing resources to the needs of the community as a whole, it is promoting welfare rights for those who are here in the country illegally, those who are violating federal law simply by their very presence in the United States. During the continuation of the COVID-19 pandemic when thousands

of Marylanders are struggling economically, these funds will be directed towards those in our country illegally instead of bolstering programs that will help Maryland citizens and legal immigrants. This will act as yet another magnet for additional illegal immigration, thus further straining already limited resources.

SB 129 tells Maryland residents that certain segments of the population are more important than others and entitled to special privileges.

For the aforementioned reasons, FAIR opposes SB 129.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is cursive and fluid, with the first letters of "Shari" and "Rendall" being capitalized and prominent.

Shari Rendall