

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Emma Hofman and I am a legal assistant at Capital Area Immigrants' Rights (CAIR) Coalition. I was born and raised in Montgomery County where most of my family still resides. As a legal assistant working with Maryland residents in immigration detention, I am writing to express my support for SB 129: "**Access to Counsel in Immigration Proceedings Program.**"

As a legal orientation provider for detained immigrants in the DC, Maryland, and Virginia area, I have gotten to see how harmful it is to limit counsel for detained immigrants. I have spoken to countless individuals that simply lack the resources to be heard in our immigration system; this truth has resounding effects of injustice for not only immigrants but also entire communities and ecosystems in our state.

- I have been working with detained immigrants in DC, Maryland and Virginia for a year now, and I received training from CAIR Coalition. Before this, I worked with asylum seekers in Greece in an educational non-profit. As someone who is deeply connected to both Montgomery County and immigrant justice work, I find this bill to be the bare minimum for a decently equitable approach.
- As one of the "frontline" workers in detained immigrant legal services, I think it is practically impossible for an immigrant to win their immigration case from jail, especially considering the quality of ICE facilities. In our legal orientation team, when an individual wins their case without representation, it is truly an anomaly; I can only recall three people without representation who have been granted protection. I have also discovered that detained populations are often some of the most marginalized. I have worked with individuals who are illiterate, some with severe mental health concerns, some with ongoing trauma, and many other traits that would inhibit someone's abilities in immigration court. Even for someone without any of the aforementioned histories or characteristics, the immigration system is intentionally built for the respondent to fail.
  - I have yet to work with a client that has not experienced heightened mental health issues in jail. Taking on the emotional burden of detention, being separated from loved ones, and trying to find a lawyer while you are no longer able to make money are just a few characteristics that set detained immigrants up for failure.
  - While I am confident in my abilities, I am not a lawyer. I am unable to advise clients as to what would be best for them. Currently we are working completely remotely, so my only opportunity to give individuals information without charge is when they are able to call the CAIR Coalition hotline that cuts off after 15 minutes. I have also heard countless complaints about the efficiency and access to law libraries even if the individual has the capacity to do their own research. I put countless hours into each filing, but at the end of the day I have to trust that the individual I am working with can maintain their composure in court, explain their claim thoroughly, and do a good enough job to convince the judge that they are worthy of an opportunity to stay in this country.

- I support SB 129 because I believe in an America that provides equitable opportunity. Detained clients are 10.5 times more likely to lose their cases when they do not have representation (Ingrid V. Eagly & Stephen Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 PENN. L. REV. 1, 49 (2016), available at [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review)), and I have seen this injustice up close and personal. I dream of a day when I am proud of my home states' ability to protect marginalized populations.

Thank you for taking the time to read my letter, I urge a favorable report on SB 129.