Members of the Senate Judicial Proceedings Committee,

My name is Amy Waychoff, and I have lived in Montgomery County for over 34 years. I am testifying in opposition to SB 129, "Access to Counsel in Immigration Proceedings Program." There are legal and ethical reasons why you should not allow this bill to go forward.

According to Federal law, illegal aliens who wish to be represented by legal counsel are free to do so, but they must do so at no cost to the government (8 U.S.C. 1229a(b)(4); 8 U.S.C. 1362). In addition, the U.S. Constitution guarantees the right to legal representation only for criminal prosecutions. Most immigration proceedings, including removal proceedings, are civil, and therefore do not trigger the Sixth Amendment right to free counsel. The Supreme Court has ruled that *deportation is not a punishment*, but rather a civil administrative procedure whereby an alien is returned to their homeland.

Providing free representation to illegal aliens is also unethical, because it is unfair to citizens and legal residents who are required to pay out of pocket for their own civil proceedings. In addition, citizens and legal residents are paying — through their taxes — for illegal aliens to have this free service! Allowing one group of people to have something for free, paid for by another group of people who do not receive the service themselves, causes divisions by telling residents that certain segments of the population are more important than others.

According to SB 129, the State of Maryland would set aside a whopping *8 million dollars per year* for this legal defense fund. This money would be added to the already high fiscal burden of illegal immigration in the United States, estimated at $116 billion. This bill would also make Maryland a magnet for further illegal immigration to the state, and tells the world that our immigration laws are not meant to be taken seriously.

I therefore respectfully request an unfavorable report on SB 129.

Amy Waychoff
4511 Amherst Lane
Bethesda, MD 20814