

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 129
TITLE: Access to Counsel in Immigration Proceedings Program
COMMITTEE: Judicial Proceedings
HEARING DATE: February 3, 2022
POSITION: **SUPPORT**

Senate Bill 129 would establish an Access to Counsel in Immigration Proceedings Program. Administered by the Maryland Legal Services Corporation, the Access to Counsel program would provide access to free legal representation for detained individuals who are both MD residents and a member of a household with an income that is not greater than 50% of the median income. The Human Trafficking Prevention Project at the University of Baltimore School of Law and the Gender Violence Clinic at University of Maryland Francis King Carey School of Law supports this bill because it improves the ability to combat human trafficking and interpersonal violence across the state by increasing the identification of victims.

The vast majority of immigrants appearing in federal immigration criminal court are not represented by an attorney during their deportation hearings. As a result, people who almost always have no legal experience themselves or any experience with the U.S. legal system as a whole are forced to represent themselves against a lawyer from the Department of Homeland Security in front of a judge working for the Department of Justice with only the aid of an interpreter. This lack of due process is, quite frankly, disturbing, and becomes even more so when we consider the number of victims of violence and human trafficking who are denied access to justice as a result.

In the United States there are numerous pathways to lawful status for survivors of violence including the U-Visa, T-Visa, Special Immigrant Juvenile Status, and VAWA Self-Petitioner. Without access to counsel however, these victims may be unaware of the protections federal law allows them and many will be deported without ever getting a chance to be identified. HB 114 takes the critical step of ensuring that certain detained individuals who have immigrations pending against them have access to counsel. This knowledge will hopefully begin the process of creating the necessary trust needed for an immigrant survivor of interpersonal violence and/or human trafficking to come forward and seek the assistance they need as well as the immigration assistance they so rightly deserve.

For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law and the Gender Violence Clinic at University of Maryland Francis King Carey School of Law supports Senate Bill 129. We respectfully urge a favorable report.