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Senate Judicial Proceedings Committee
Maryland General Assembly
Annapolis, Maryland 21401

Re: S.B. 129, **FAVORABLE** Testimony

Dear Committee Members:

I am testifying in favor of S.B. 129, “Access to Counsel in Immigration Proceedings Program.” As a former Legal Aid attorney, I am acutely aware that in 1980 Congress prohibited the Legal Services Corporation (LSC) from representation in most immigration cases. The Supreme Court long ago held that Immigration cases are civil and that poor immigrants detained by the government for deportation are not Constitutionally entitled to the same free legal representation as poor people in criminal cases. LSC was created to provide legal representation of poor people when faced with loss of government services, housing and employment. Until 1980, LSC was able to provide representation to most poor immigrants in this country faced with deportation and detention.

Loss of basic liberty through detention of poor immigrants is just as devastating and likely more so than poor people faced with loss of housing, employment or enough money to buy food, clothing and shelter. Detention is made even worse during the Pandemic since Immigration and Customs Enforcement (ICE) holds detainees in close quarters where the virus is sure to spread and where detainees are subjected to other inhumane conditions. Also, representation of counsel would prevent the denial of basic due process that frequently follows when poor immigrants are forced to represent themselves.

The restriction on LSC ‘s representation in most immigration cases remains in place today. Passage of S.B. 129 would partially correct this major injustice. Unlike Maryland Legal Aid, the Maryland Legal Services Corporation (MLSC) receives no federal funds through LSC. Thus, MLSC is free to represent poor Maryland immigrants facing possible detention or in detention now to the extent of the funding the Maryland legislature provides. The General Assembly should pass S.B. 129 to right the wrongs denial of legal representation causes.

For the foregoing reasons, I urge Senate passage of this bill.

Very truly yours,

A handwritten signature in black ink that reads "David Norken". The signature is written in a cursive style with a long, sweeping underline.

David Norken
Attorney at Law