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Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
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TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 129-Access to Counsel in Immigration Proceedings Program

Each year, hundreds of Maryland residents face detention or deportation and are faced with either being imprisoned or separated from their families and communities. This leads to devastating impacts on both their and their families' wellbeing. The deportation of a single family member continues to have downstream negative effects on the whole family unit; children with a parent who faces deportation are reported to show declines in school performance and face increased rates of anxiety, depression, and stress.¹ Detaining and deporting these residents hurts individuals, families, and our economy.

This bill creates a program administered by the Maryland Legal Services Corporation (MLSC), a highly respected organization with decades of experience, to provide legal services to individuals who are in detention or facing deportation. Providing legal services ensures that these individuals have access to due process and can present an effective case before the court about why they should be permitted to be released and/or be able to remain with their families.

Among Marylanders facing deportation, 81% had no legal representation despite data that show that in the Baltimore Immigration Court, individuals with legal representation were four times more likely to win their case compared to the 7% of non-represented immigrants that won their case. Research demonstrates that immigrants with access to attorneys fared better in every step of the court process. Represented immigrants in detention were four times more likely to be released from detention, eleven times more likely to seek relief from deportation, and twice as likely to actually receive the relief that they sought out through access to legal representation.² While it is clear how important access to legal representation is to preventing the separation of Marylanders from their families and community, the categorization of immigration proceedings as "civil" means many immigrants facing removal are not provided the same constitutional protections, including access to counsel, as criminal defendants under the sixth amendment despite facing similar, if not more dire conditions as criminal defendants.

¹ "Family Consequences of Detention/Deportation: Effects on Finances, Health, and Well-Being." 2018. KFF. September 18, 2018.

² Eagly, Ingrid. 2016. "Access to Counsel in Immigration Court."

A number of other states have instituted legal service programs on immigration and locally, Baltimore City and Prince George's County have successful models. In 2018, Baltimore City collaborated with the Vera Institute of Justice's SAFE network to ensure universal representation for immigrants, helping affected families navigate the complexities of immigration law. Within the first year of its implementation, 38% of SAFE clients had successful outcomes in immigration proceedings and were able to remain united with their families and community in the United States.³

Building on the success of interventions like the collaboration between Baltimore City and Vera's SAFE network, the Access to Counsel in Immigration Proceedings Program will not only provide low-income Maryland residents in immigration detention with access to state funded legal representation, it will also support a holistic approach to ensuring that detained immigrants and their families are aware of their rights through outreach led by community groups. For example, outreach will be provided to communities through hosting "Know your Rights" workshops, distributing written information relevant to immigration proceedings, and providing any other resources to ensure that individuals are aware of their rights.

This bill gives individuals who are detained a fighting chance. Not having access to counsel in immigration proceedings isn't due process. Individuals who are at risk of losing their liberty deserve to be represented – it is right and just and that's why I ask for your support of SB 129. Thank you.

³ "RELEASE: Baltimore City Joins the Vera Institute of Justice in Celebrating One Year of Providing Public Defense to Immigrants Facing Deportation as Part of the SAFE Network." n.d. City of Baltimore. Accessed January 26, 2022.