



Access to Legal Representation in Immigration Cases is Critical to Fair Administration of Justice

Position Statement Supporting Senate Bill 129

Given before the Senate Judicial Proceedings Committee

Navigating complex legal proceedings without access to a lawyer creates an uneven playing field and unequal access to justice for low-income people. Many Maryland families are now forced to face life-changing immigration hearings without access to legal counsel. **The Maryland Center on Economic Policy supports Senate Bill 129 because ensuring that Marylanders have legal representation in immigration proceedings is a fair administration of justice.**

Legal representation dramatically increases the chance that an individual achieves a successful outcome in their immigration case. However according to a recent national study, only 37 percent of all immigrants and 14 percent of detained immigrants go to court with an attorney ⁱ. Here in Maryland, more than 400 immigrant residents are forced to fight permanent separation from their family and community in detention every year. An estimated 7 out of 10 detained Marylanders are unable to access counsel in immigration proceedings.

Providing a right to counsel to Maryland residents in immigration cases is a proven means of keeping families and communities together and avoiding the resulting social, economic, and public health costs of deportation. More than 600 children of detained Marylanders are harshly and needlessly impacted each year by a parent being placed in immigration detention. Maryland residents must be able to have the right to legal representation in any immigration proceeding where their liberty is at stake to provide for equal access to justice and the courts.

Universal representation pilot programs in Baltimore City and Prince George’s County have helped to keep many Maryland families together over the past three years. Marylanders facing deportation should have a right to legal representation in immigration proceedings, and the State should provide such representation to assist in the fair administration of justice. A recent report indicated that access to counsel reduces detention cost, improves immigration court efficiency, and reduces the human cost of detention. ⁱⁱ

For these reasons, the Maryland Center on Economic Policy respectfully requests the Judicial Proceedings Committee to make a favorable report on Senate Bill 129.

Equity Impact Analysis: Senate Bill 129

Bill Summary

Provides a right to counsel to Maryland residents in immigration cases.

Background

Providing a right to counsel to Maryland residents in immigration cases is a proven means of keeping families and communities together and avoiding the resulting social, economic, and public health costs of deportation. More than 400 Marylanders are forced to fight permanent separation from their family and community in detention every year. Of which, at least 7 out of 10 detained Marylanders are unable to access counsel in immigration proceedings.

Equity Implications

More than 600 children of detained Marylanders are harshly and needlessly impacted each year by a parent being placed in immigration detention. Black, Brown, and low-income Marylanders are more likely to be facing these hearings without legal counsel.

Impact

Senate Bill 129 will likely increase racial and economic equity in Maryland.

ⁱ National Immigrant Justice Center <https://immigrantjustice.org/issues/access-counsel>

ⁱⁱ National Immigration Law Center (2016) *Blazing a Trail. The Fight for a Right to Counsel and Beyond*. <https://www.nilc.org/wp-content/uploads/2016/04/Right-to-Counsel-Blazing-a-Trail-2016-03.pdf>