

# **SB 129 - Access to Counsel in Immigration Court.pdf**

Uploaded by: Alicia Pereschuk

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. **I am a resident of MD District 43. I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk  
321 W. 28<sup>th</sup> Street  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

# **SB129\_AnadeJesus\_Fav.pdf**

Uploaded by: Ana de Jesus

Position: FAV

SB 0129–FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and members of the Senate Judicial Proceedings Committee:

My name is Ana and I am a resident of Hyattsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 0129: **"Access to Counsel in Immigration Proceedings Program."**

I have lived here in Prince George's County, Maryland for approximately 16 years. During all this time, I have worked here. All this time that I have worked, I have paid taxes annually. Also, six of my grandchildren attend Maryland schools. Since I came to the country, I have worked and I will continue working until I can no longer.

My experience in detention was very scary and stressful. Arriving where you're considered a criminal, starting with the way you're locked up, with chains from hands to feet. And also, as I saw, humble people who are being treated as "criminals." This is motivated by the feeling of being part of a policy that dehumanizes us as migrants. While I was in there, I came to understand that for each of us in immigration detention, we have to confront an immigration system that considers us "violent" both inside and out of the detention center. This is something I hadn't realized until I was there. It had a big impact on me. I didn't know anything about this side of the system. I had never been in an immigration court.

My lawyer Lucia, from the organization Capital Area Immigrants' Rights Coalition, helped me with everything, to be able to stop my deportation and to be able to fight for my case from here inside, without even seeing me in person. She was a huge help in my case and I'm happy to have been released. I am so thankful for the organization for that.

This is very important especially for immigrants like me who don't have a lawyer because lawyers help us fulfill our rights of being heard in immigration court, because not all of us have the funds to hire and pay for a private lawyer. If it weren't for the organizations fighting for people in detention centers, many people would be deported. For example, in my case, thanks to them, I continue to fight for my rights in this country and I have a work permit.

I urge a favorable report on SB 129.



**SB129 - PGCEX - FAV.pdf**

Uploaded by: Angela Alsobrooks

Position: FAV



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## OFFICE OF THE COUNTY EXECUTIVE

**BILL:** Senate Bill 129 – Access to Counsel in Immigration Proceedings Program

**SPONSOR:** Senators Hettleman and Waldstreicher

**HEARING DATE:** February 3, 2022

**COMMITTEE:** Judicial Proceedings

**CONTACT:** Intergovernmental Affairs Office, 301-780-8411

---

**POSITION:** SUPPORT

---

The Office of the Prince George's County Executive **SUPPORTS Senate Bill 129 – Access to Counsel in Immigration Proceedings Program** which establishes the Access to Counsel in Immigration Proceedings Program to provide legal counsel to specified Maryland residents who lack counsel and are facing possible deportation from the United States.

As local leaders we have a duty to keep our communities safe, and our communities are safest when residents trust that institutions and officials serve them and know they will be treated fairly. This constitutional guarantee of due process and legal representation which applies to everyone residing in the United States does not apply to immigrants when facing immigration courts. Providing fair representation in deportation proceedings is the single most effective way to ensure an individual's right to due process is protected and that families are not needlessly separated without receiving basic protections. In Prince George's County, 22.7% of residents are foreign-born and 27.3% speak a language other than English in the home. Over 75,000 residents are estimated to be unauthorized immigrants, with many living in the United States an average of 12 years.

In 2017, Prince George's County spearheaded the Immigrant Services and Language Access initiative ("ISLA"), an innovative public-private partnership and collaboration among Prince George's County agencies, the Prince George's County Office of Human Rights, Prince George's County Council, legal offices, and non-profit organizations to work to ensure dedicated funds to the coordination of enhanced language access services, social services, and pro bono legal representation to improve the protection of undocumented adults and unaccompanied immigrant and refugee children.

Through the Prince George's County Office of Human Rights and with the support from various non-profits and government partners, Prince George's County successfully applied to the Vera Institute of Justice for a matching grant to fund ISLA legal services. The Vera Institute of Justice has also provided Prince George's County technical assistance and support, including assistance in identifying and training legal service providers, providing

opportunities to share best practices with other jurisdictions, and providing data collection and research support. In September 2020 the Immigrant Justice Corps (IJC), the country's first fellowship program dedicated to meeting immigrants' needs for high-quality legal counsel, launched a two-year Access to Counsel Initiative in partnership the Capital Area Immigrants' Rights (CAIR) Coalition that expanded and ensured representation to all Prince George's County residents detained in immigration custody.

Since the inception of the ISLA initiative in December 2017, it has led to many successful outcomes for Prince George's County residents. Thus far, CAIR Coalition has conducted legal consults with over 350 detained residents of Prince George's County in four detention centers across Maryland. For each of these detained intakes, the CAIR Coalition followed up with family members to help provide critical information as families navigated the detention and deportation system and conducted additional phone intakes with residents of Prince George's who have contacted CAIR through their intake line. Additionally, CAIR Coalition has litigated approximately 138 cases for Prince George's County residents, which includes a complex process that involves litigating multiple different cases before the Immigration Court, the Board of Immigration Appeals, Department of Homeland Security (DHS), and Immigration and Customs Enforcement (ICE). Countries of origin have included Prince George's County residents from Liberia, Nigeria, Mexico, Jamaica, Guatemala, Honduras, El Salvador, Uganda, Cameroon, Panama, Belize, Togo, Ivory Coast, and Ghana.

Prince George's County is proud to have pioneered and implemented services for immigrants within our community who are at risk of deportation, particularly those who are detained while facing deportation. Our immigrant communities contribute to the cultural tapestry and local economy to Prince George's County and the State of Maryland. The creation of a statewide Access to Counsel in Immigration Proceedings Program will provide counties an all-inclusive and centralized infrastructure to protect our most vulnerable residents and stand united for racial equity.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 129** and asks for a **FAVORABLE** report.



# Testimony for SB0129 - Google Docs.pdf

Uploaded by: Angie Calderon

Position: FAV

### Testimony for SB0129

My name is Angie Calderon, and I am a student at Northwood High School in Montgomery County. I am also a member of Fans of Immigration and Asylum Reform, or FAIR, a student-advocacy group in Montgomery County which advocates for humane detention policies and reformation of the immigration and asylum system.

I am writing to you today to urge you to support SB0129: Access to Counsel in Immigration Proceedings. This bill ensures that immigrants who are detained in Maryland and facing deportation are given access to legal representation. Currently, 7 out of 10 detained Marylanders are not able to access counsel. This is extremely unethical. The process of detention is traumatic in of itself, there is no need for detainees or their families to go through court processes without legal representation. FAIR believes in universal representation: the right of ALL people to due process under the law. Detainees are not animals nor monsters, they are human beings who deserve equal legal representation.

I urge you to support SB0129. Our state is counting on you.

**SB129-2.1.21.pdf**

Uploaded by: ANNA RUBIN

Position: FAV

Jan. 31, 2022

Dr. Anna Rubin

Columbia, MD 20145

TESTIMONY ON (/SB#129) - POSITION: (FAVORABLE)

Access to Counsel in Immigration Proceedings

TO: Chair Clippinger, Vice Chair Moon, and members of the Judicial Proceedings Committee

FROM: Dr. Anna I. Rubin

My name is Anna Rubin. I am a resident of District 13 in Columbia. I am submitting this testimony in support of SB#129, Access to Counsel in Immigration Proceedings.

First, I would like to thank Senators Hettleman and Waldstreicher, the sponsors of this bill. I am a retired professor from UMBC and a member of the Columbia Jewish Congregation (CJC) in Columbia. I also represent CJC in the Howard County Coalition for Immigrant Justice.

My congregation believes all residents of Maryland deserve respect, justice, safety, and opportunities to thrive and prosper. The majority of our congregants are children and grandchildren of migrants fleeing oppression and poverty in Europe and North Africa - as am I. Our families include adopted children from South America. We want our state to welcome those

who have fled from terror while they try and rebuild their lives. Many are essential workers and their work in grocery stores, cleaning crews, restaurants and warehouses has made our lives possible during the COVID pandemic.

I fully agree with the position of many organizations representing immigrants, including CASA, who know how important legal representation is for those detained for real or perceived immigration violations. It is extremely difficult to represent oneself in immigration litigation. I believe that all people deserve legal representation, whether they face deportation, eviction, or criminal penalties. To deny legal counsel is to deny due process.

All immigrants in Maryland, including those transferred by ICE to another state, deserve to have access to government-appointed lawyers. There are established organizations who stand ready to

implement this legislation. It is more critical than ever that those who have lived, worked or attended school in Maryland be granted legal representation or if first detained in Maryland, but

transferred to a state without these provisions.

Immigrants deserve due process and government-appointed legal representation. I respectfully urge this committee to return a (favorable/favorable with amendments) report on SB#129.

**SB0129\_Arielle\_Juberg\_FAV.pdf**

Uploaded by: Arielle Juberg

Position: FAV

SB0129, Access to Counsel in Immigration Proceedings Program  
Testimony in **Support**

To: Chair Smith and members of the Senate Judicial Proceedings Committee  
From: Arielle Juberg, Baltimore, Maryland 21234

My name is Arielle Juberg. I am a resident of Baltimore County in District 8. I belong to Showing Up for Racial Justice (SURJ) in Baltimore. SURJ is working in collaboration with CASA de Maryland. I attend a church in Essex, volunteer at several Baltimore organizations, and participate in CASA's Ally Network. I am testifying in **support** of SB0129, Access to Counsel in Immigration Proceedings Program

I care about SB0129 because I come from a family of immigrants. At the turn of the last century, my great-great-grandmother fled Kiev, Russia. My family believes she was expelled from the area during a pogrom targeting Russian Jewish communities. She eventually immigrated to America and settled in Buffalo. If she had been turned away from this country, her future (and that of my family) could have been lost as the darkness of the pogroms, the world wars, and the Holocaust swept over Europe.

Just like my family, so many immigrants in Maryland have fled danger in their home countries. If they are swept up in deportation hearings in immigration court, they face permanent family separation, detention, and renewed persecution in their country of origin. With stakes this high, we must provide legal representation in immigration court.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by your ability to hire a lawyer. In fact, legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. However, 81% of detained immigrants in Maryland have *no* representation at any point in their case. This is why we need Universal Representation — so that, regardless of background or income, ALL people receive due process under the law.

If we had Universal Representation, Eddy (a member of our immigrant community) may have had a different future. Eddy was pulled over for a driving violation and detained in the Howard County Detention Center. Eddy was transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter. During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. Universal Representation would guarantee people like Eddy receive a fair trial and increase the likelihood of them remaining with their families.

My family was able to escape persecution due to America's immigration policy. I want to offer the same opportunity to our immigrant neighbors. Universal representation is needed to give immigrants a fair trial in immigrant court. It is for these reasons that I am encouraging you to **support** SB0129. Thank you for your time, consideration, and service.

# **Testimony in Support of SB 129 Access to Counsel J**

Uploaded by: Ashley Egan

Position: FAV



## Unitarian Universalist Legislative Ministry of Maryland

### Testimony in Support of SB 129 - Access to Counsel in Immigration Proceedings Program

To: Senator William C. Smith, Jr., Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Lead Advocate, Immigration,  
Unitarian Universalist Legislative Ministry of Maryland

Date: February 3, 2022

Thank you for the opportunity to provide written testimony in support of SB 129 that will offer legal representation to poor people facing deportation. I share my faith with more than 4000 Unitarian Universalists in Maryland and all of us affirm the inherent worth and dignity of every person and justice, equity and compassion in human relations. Principles and values which are embedded in our constitutional right to due process so that a fair and just hearing can be afforded to all and to ensure that those who seek asylum because of a credible fear will have the opportunity to have their arguments heard.

Unfortunately, because immigration proceedings have been categorized as “civil”, the 6th Amendment right to effective assistance of counsel and court rulings such as *Gideon v. Wainwright* does not apply. Which means low-income immigrants are not provided attorneys to represent them, even though the stakes they face are as great as or more serious than those that criminal defendants face; such as deportation, permanent separation from family, especially children, loss of liberty through detention in jails, as well as death, torture, persecution in their country of origin once deported. We believe that all people, regardless of their income, background, or merits of a case are entitled to due process under the law. Without a lawyer, multiple studies show, due process is unlikely. Consequently, like a public defender system, the government must provide lawyers to people who can't afford them.

Legal representation can be the difference between winning and losing an immigration case in court and can mean the difference between life and death for those who have a credible fear of returning to their home country.

Individuals with legal representation are significantly more likely to win their cases. The VERA Institute reports that nationwide, immigrants with legal representation are 10.5 times more likely to win their immigration cases. Studies show that individuals who represent themselves in immigration proceedings will succeed in preventing deportation



and separation from family only 3% of the time, while those who are represented by counsel will succeed in more than 30% of the cases. (Capital Area Immigrant Rights Coalition.) A 2016 study by the American Immigration Council noted that only 37 percent of all immigrants and 14 percent of detained immigrants go to court with lawyers on their side.

Immigration laws are complex, second only to the U.S. Tax Code and a challenge even for trained lawyers. It is, therefore, unrealistic to expect a layperson to represent themselves, particularly if not fluent in English. Detained people also do not have access to evidence they need to prove their cases and ultimately to reduce the time in detention.

Closer to home, in the Baltimore Immigration Court, individuals with representation were four times more likely to win their cases while 81% of detained immigrants in Maryland had no legal representation at any point in their cases and only 7% of detained, non-represented immigrants in the Baltimore Immigration Court won their cases. In Baltimore City, on the other hand, which has a legal representation program, 41% of detainees who were represented in immigration courts and hearings were released from custody -- either on bond or won their cases.

Forty jurisdictions nationally provide legal representation to undocumented immigrants. In Maryland, Baltimore City and Prince George's County have representation programs. A state-wide program will ensure consistency in application.

I urge you to vote in favor of SB 129.

Thank you for your consideration.

*Jim Caldiero*

Ellicott City, MD 21043

Email: [immigration@uulmmd.org](mailto:immigration@uulmmd.org)

Sources:

The VERA Institute Report, The Case for Universal Representation, <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>

Capital Area Immigrants' Rights Coalition. [Cair Coalition | CAIR COALITION](#)

American Immigration Council. [access to counsel in immigration court.pdf \(americanimmigrationcouncil.org\)](#)



# **2022 JCRC SB 129 Access to Counsel in Immigration**

Uploaded by: Ashlie Bagwell

Position: FAV



**Testimony in SUPPORT of *Senate Bill 129* –  
*Access to Counsel in Immigration Proceedings Program*  
Judicial Proceedings Committee  
February 3, 2022**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work tirelessly throughout the entire Greater Washington area to advocate for our agencies that serve the most vulnerable residents, support our Jewish day schools and community centers, and to campaign for important policy interests on behalf of the entire community.

The JCRC has a long tradition of endorsing policy measures that provide support to immigrant communities. Jewish law and tradition have embraced the stranger and demanded that we help those in need. In immigration court, legal representation often makes the difference between whether someone is allowed to remain safely in this country or is deported. Senate Bill 129 establishes a program - Access to Counsel in Immigration Proceedings – to be administered by the Maryland Legal Services Corporation. The purpose of the program is to provide access to legal representation for individuals detained in immigration proceedings where the individual is subject to removal from the United States. The bill also provides education and outreach to families and communities affected by immigration proceedings and detention. Additionally, the bill establishes the Access to Counsel in Immigration Proceedings Special Fund to provide funding to implement access to legal representation in immigration proceedings. It contains a mandated appropriation of \$8 million dollars.

According to a study by the American Immigration Council (AIC), only 37 percent of all immigrants go to court with lawyers by their side. Not surprisingly, individuals with counsel are more likely to pursue relief from deportation and win their cases. Detained immigrants are 11 times more likely to pursue relief when they have legal counsel and are twice as likely to obtain relief than detained immigrants without counsel. The JCRC recognizes the importance of legal representation as it dramatically increases the chance that an individual achieves a successful outcome in their immigration case. Providing a right to counsel is a proven means of keeping families and communities together and avoiding the resulting social, economic, and public health costs of deportation. For these reasons, we urge a favorable vote on SB 129.

**sb 129.pdf**

Uploaded by: Brian Seel

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 46. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Lilly Chapa  
212 S Washington St

Christina Pham Linhoff  
46 E Randall St

Holly Powell  
2308 Cambridge St

Brian Seel  
223 S Wolfe St

Liz Simon-Higgs  
308 E Randall St

Showing Up for Racial Justice Baltimore

# **Funding Access to counsel imm FAV SB129.pdf**

Uploaded by: CAROL STERN

Position: FAV



January 20, 2022

Carol Stern  
4550 North Park Avenue, Apt T106,  
Chevy Chase, MD 20815

**Testimony in Support of Funding for Access to Counsel in Immigration Proceedings - SB 129**  
**Sponsored by: Senators Waldstreicher & Hettleman**

**TO:** Chairman Smith and Vice Chair Waldstreicher and the Judicial Proceedings Committee

**FROM:** Carol Stern

My name is Carol Stern, and I am testifying in **favor of Funding for Access to Counsel in Immigration Proceedings**, as a resident of Montgomery County's District 16 and a member of Adat Shalom Reconstructionist Congregation in Bethesda.

The Jewish text that shapes my religious and moral conviction that everyone in an immigration proceeding must have a Right to Counsel is the directive issued in Deuteronomy 16:20, "**Tzedek, tzedek tirdof - Justice, justice shall you pursue.**" The Jewish sages explain that the word tzedek is repeated not only for emphasis but to teach us that in our pursuit of justice, our means must be as just as our ends. Rabbi Mordecai Kaplan wrote "**teach us to respect the integrity of every human soul be it that of a friend or stranger, child or adult.**" When we are working to reform our immigration justice system, we must demand that it operates in accordance with these deeply held Jewish beliefs.

Everyone deserves legal representation, whether they face deportation, eviction, or criminal penalties. Hundreds of our neighbors are separated from their families and incarcerated for civil immigration violations, with no access to a lawyer to advocate on their behalf. To deny legal counsel is to deny due process. The devastating consequences of being without legal counsel are heightened during a pandemic, which poses an extreme threat to detained immigrants in close and often inhumane conditions. This legislation will ensure that all Maryland immigrants who are detained by ICE have access to government-appointed lawyers.

**I respectfully urge a favorable report on SB 129.**

# **SB0129 Testimony.pdf**

Uploaded by: Catherine Bergmann

Position: FAV

2/3/22

Catherine M. Bergmann  
Riverdale Park, MD 20737

**TESTIMONY ON SB0129 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Catherine Bergmann

My name is Catherine Bergmann. I am a resident of District 22. I am submitting this testimony in support of SB0129, Access to Counsel in Immigration Proceedings Program.

I am a licensed psychologist. My husband and I have lived in Riverdale Park for almost thirty years; we raised our children here.

Immigration issues have always been very close to my heart, because my parents escaped from Nazi Germany as teenagers. Many of my relatives did not, and I am the only person in my extended family of origin to be born in the United States. My parents and grandparents were lucky in that for them the worst was over once they arrived in the United States. I wish that were true for everyone, then and now. Today, immigrants in Maryland may face deportation to the very dangers from which they escaped.

I try to follow the Jewish precept of “tikkun olam,” to repair the world. To me it seems inhumane for someone facing deportation to be in hearings in a foreign legal system, in a language they may not understand, without legal representation. I would like immigrants in Maryland to be treated the way I would’ve wanted my family to be treated. SB0129 would provide legal counsel to immigrants facing deportation.

I am proud to be a long-time Maryland resident and proud of the efforts the state has taken to treat immigrants humanely. I respectfully urge this committee to return a favorable report on SB0129.

**CASA\_FAV\_SB129.pdf**

Uploaded by: Cathryn Paul

Position: FAV



February 3, 2022

Chairman William Smith, Jr.  
Chair, Judicial Proceedings Committee  
Maryland Senate  
Annapolis, MD 21401

**Re: CASA Testimony in SUPPORT of SB129, Access to Counsel in Immigration Proceedings**

Dear Honorable Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee:

We are writing to express our strong support for SB129, establishing access to counsel for detained immigrants. CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members in Maryland. Our mission is to create a more just society by building power and improving the quality of life in working class and immigrant communities. We envision a future where our members stand in their own power, our families live free from discrimination and fear, and our diverse communities thrive as we work with our partners to achieve full human rights for all.

For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing much needed services to these communities, helping to ensure that low-income immigrants are able to live rich and full lives. Sadly, for much of that time, our nation's broken and punitive immigration system has attacked those same communities, exposing them to constant risk of detention and deportation. Every year thousands of immigrants come through CASA's doors seeking legal counsel, many of them impacted by immigration detention in one way or another.

In partnership with amazing local partners like the CAIR Coalition and the Maryland Office of the Public Defender, as well as national allies like the Vera Institute of Justice and the Center for Popular Democracy, CASA has fought against those attacks by supporting families and communities who have been victimized by ICE enforcement. We work to connect affected individuals with legal assistance and other vital services. In areas where these efforts have been supported by local governments, such as Prince George's County and Baltimore City, we have seen dramatically better results for immigrants in detention. Currently, CASA is representing a community member,

Manuel\*<sup>1</sup>, who we were connected with through the Prince George's County program. Manuel is a hardworking father of four, who has lived in this country for almost twenty years. Despite the fact that he has a son with cerebral palsy who needs the support of his father, ICE has kept Manuel detained and separated from his family. Without the support of an attorney, Manuel would face likely expulsion from this country, his home of two decades, placing his family at risk of emotional and economic ruin, and his special needs son in desperate circumstances.

The Prince George's County and Baltimore City programs have had tremendous impact on hundreds of lives. But, these programs are limited in scope, only able to represent a fraction of even their residents who are facing immigration detention, and not able to extend beyond their local boundaries. We need a strong, state-wide commitment to representation for all Maryland residents who are in immigration detention. That is what SB129 provides.

In establishing access to counsel for detained Marylanders, SB129 also acknowledges the vital role that community based organizations like CASA play in helping to protect immigrant communities from ICE abuse by rapidly facilitating the connection between families and service providers when ICE does detain community members. The bill allows the Maryland Legal Services Corporation ("MLSC") to designate community groups to engage in education and outreach to vulnerable communities, ensuring that at-risk individuals understand their rights and have the greatest opportunity to prevent them from being permanently separated from their families and communities. Often the victim of an ICE raid will be the primary breadwinner in a home, making it incredibly difficult for their family to afford basic necessities like rent and food, let alone hire a lawyer.

Community organizations can often be the most efficient way of connecting those in detention with counsel at the earliest possible moment, and help to facilitate the production of vital evidence that can support an individual's legitimate claim to remain in the United States. Unlike defendants in the criminal justice system who are automatically entitled to government-provided counsel, immigrants in detention have no such automatic right. Rather, they must affirmatively find, and pay for, their own attorney from behind prison bars. Needless to say, this is a monumentally difficult task and a primary reason why the majority of detained immigrants currently have to fight their case without an attorney. Organizations like CASA, who have the trust of the immigrant community, can help bridge that gap by serving as a link between the detained individual (or their family) and a service provider. CASA is routinely contacted by individuals who have loved ones in immigration detention, seeking help. Currently, unless those individuals are residents of Prince George's County or Baltimore City, there is no effective way for CASA to help connect them with support. SB129 would change that, by enhancing Maryland's commitment to community organizations and guaranteeing that we are able to connect these families with zealous counsel. CASA would closely cooperate with MLSC and any

---

<sup>1</sup> \*The client's name has been changed to protect their identity.

organizations they designate to administer the Access to Counsel program to ensure that our community members are quickly connected to representation and larger holistic care.

Providing individuals who are being denied their liberty with access to counsel is a matter of fundamental fairness and comports with the due process principles that form the foundation of our justice system. Beyond being the morally correct thing to do, however, providing representation to these individuals is also good public policy. Not only does it serve to help keep families together, get hard-working individuals back to their jobs and contributing to the economy faster, it also helps guard against potentially dangerous abuses by federal immigration officials. This has been especially true during the COVID-19 pandemic, when ICE jails have become incubators for the virus, leading to thousands of infections and even deaths. The efforts of lawyers from CAIR Coalition, the American Civil Liberties Union and others have helped to shed light on these abuses, and secure the release of detainees before they contract COVID-19 and spread the disease. Unfortunately, due to the fact that most individuals lack access to counsel, the full scope of ICE's abuse during this pandemic are far from clear.

During the COVID-19 pandemic we have also seen ICE expand on a tactic it has long employed to transfer detainees to far-away detention centers, where access to counsel and community resources are even more limited. Sadly, ICE has responded to the pending closure of Maryland detention facilities by opening yet another jail in a remote part of western Pennsylvania. While we remain committed to fighting for the abolition of immigration detention in all of our states, and across the country, ICE's continued commitment to detention makes it absolutely necessary to provide our residents with access to effective counsel immediately - we cannot wait to realize the fundamental due process rights of our residents and allow families to continue to be separated.

CASA has already intervened to try to connect several Maryland residents detained in Georgia with referrals for immigration attorneys, but without a government-funded system to access a lawyer, it is incredibly difficult to get quality representation to help fight your case so far from home. That is why it is crucial that SB129 includes access to counsel for Maryland residents regardless of where they are detained, and authorizes the coordinator to fund their representation by a qualified private attorney, law school, nonprofit organization or other provider. This model ensures that the federal government cannot deny Marylanders of their rights simply by flying them to far-flung regions of the country.

When representation works, it can save lives. CASA is currently representing a woman who was transferred to immigration detention after being charged with a low-level, non-violent crime. The charge was dismissed, but once ICE got a hold of her she was trapped in their detention machine. ICE used her criminal history, comprised entirely of non-violent charges born out of a life of exploitation and almost none of which resulted in a conviction, to paint her as a "criminal alien" and seek to keep her detained. Luckily, she won bond and is now able to fight her case with access to the resources she needs to hopefully remain in the United States and continue to support her United States citizen

daughter. Without representation, she likely would have been deported to a country she fled decades ago where she continues to fear for her life.

Of course, providing counsel to detained immigrants is not nearly enough. In order to achieve true justice, we must do much more to end our state's complicity in a broken and dangerous federal immigration enforcement regime. Instead of empowering the rogue agencies who seek to disrupt our communities, we should invest in them, helping to protect those most vulnerable from eviction and hunger, ensuring their access to quality health care and continuing our commitment to the highest quality public education for all of our children. And we can and must grapple with the issues of racial justice that have become so apparent in the past two years, but have existed for generations.

Increased immigration enforcement and detention have deep implications for racial injustice. Communities of color, particularly Black communities, which are historically over-policed, over-charged, and over-prosecuted in the criminal justice system, encounter a similar systemic prejudice in the immigration system. Black immigrants make up 5.4 percent of the undocumented population in the United States but 20.3 percent of those facing deportation on criminal grounds. Access to counsel for those in immigration proceedings not only serves to address the inequity of income in the immigration courts, but also the compounded racial disparities affecting immigrants of color at the intersection of the criminal and immigration justice systems.

Representation alone is not enough to undo the decades of systemic issues facing immigrants in the United States, but a publicly funded deportation defense serves as a necessary check on an unjust system. And as we work toward a better system, everyone facing deportation deserves representation.

CASA strongly supports SB129 and urges a favorable report from the committee.

Sincerely,

/s/ Nicholas Katz

Nicholas Katz, Esq.  
Legal Director  
CASA



**SB0129\_Access\_to\_Counsel\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## **TESTIMONY FOR SB0129**

### **Access to Counsel in Immigration Proceedings Program**

**Bill Sponsor:** Senator Hettleman

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0129 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Maryland is home to a large immigrant population. Immigrants contribute to our society in many ways – they often take jobs that no one wants at substandard wages; they start new businesses; and they pay taxes. However, even though our state’s population is decreasing, immigrants who have only committed a civil offence by staying in the country without getting through the immigration process, are picked up and deported at alarming rates.

When an immigrant goes to court without an attorney, they usually lose their case. National data shows that immigrants with lawyers are 10.5 times more likely to win their cases than those without lawyers, but 81% of detained immigrants in Maryland have no legal representation at any point in their case. Only 7% of detained, non-represented immigrants in the Baltimore Immigration Court won their case. This bill would create a legal representation program for detained Marylanders facing deportation. It would -

- Provide low-income Marylanders in immigration detention access to state-funded representation in their deportation proceedings, ensuring that they get due process and increasing the chances they can remain in Maryland with their families.
- Ensure that detained immigrants and their families understand their rights and are supported in a holistic way by designating community groups to conduct outreach and education with communities impacted by immigration detention (know your rights training, establishing neighborhood defense committees, receiving referrals to support services, etc.)
- Assign the Maryland Legal Services Corporation (MLSC) to coordinate the funding of legal services of this program. MLSC is a legislatively created non-profit organization that has four decades of experience funding legal service

We support this bill and recommend a **FAVORABLE** report in committee.

**HB114 written testimony.pdf**

Uploaded by: Charlene Belsom Zellmer

Position: FAV

HP114/SB129: SUPPORT  
Rev. Charlene Belsom Zellmer, MDiv  
[cbzellmer7@msn.com](mailto:cbzellmer7@msn.com)  
301.442.6448  
District 16

**HB114/SB129 SUPPORT**  
**Access to Counsel in Immigration Proceedings Program**  
**Senate Judicial Proceedings Committee AND**  
**House Judiciary Committee**

*Dear Chairs Smith and Clippinger and Members of the Senate Judicial Proceedings Committee and House Judiciary Committee:*

As an interfaith minister and more than 50-year resident of the State of Maryland in District 16, I strongly support SB129/HB114. This bill would require and coordinate the legal representation for Maryland residents facing deportation and detention in the Immigration Court regardless of where they might be detained. I urge you to consider its passage on moral and humanitarian grounds.

Our immigrant neighbors face crushing fears and threats. They FEAR separation from their families, most of whom were created while residing, working and paying taxes in our communities. They are vital assets to our State, and many are the so-called essential workers who have kept us safe, nourished, healthy and well-cared for during this pandemic crisis. They have been unduly THREATENED with deportation proceedings in recent times due to the harsh and cruel enforcement mandates of the prior federal administration, many of which continue to this day. They deserve access to counsel and due process under the law, regardless of income, background, or merit of case. Studies have shown that individuals without representation are 10.5 times less likely to obtain due process. Since the passage of Dignity Not Detention and its anticipated enactment this fall, ICE has already begun to detain our Maryland residents elsewhere making it harder for them to retain counsel. This bill would protect their rights and benefit family unity and justice.

I minister to immigrant neighbors and see the pain they have suffered for far too long. Let us open our hearts to these families. They are our neighbors, friends, family, and beloveds. Let all of us in this State assure that they are treated with compassion and understanding. Maryland can continue to lead the way with this bill. Other jurisdictions have adopted such supportive programs for their residents with great success. See <https://www.vera.org/the-human-impact-of-universal-representation> for a look at how we can continue to lead with love in our State.

I urge a favorable report on SB129/HB114.

*With hope for peace and justice through love,*  
*Rev. Charlene Belsom Zellmer, MDiv*

# **SB129\_Cristobal\_Fav.pdf**

Uploaded by: Cristobal Gomez

Position: FAV

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Cristobal and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I am the father of and primary provider for four children. All four children are U.S. citizens and so is my wife. We are part of a Pentecostal church. I have been going to that church for eight years. I help them with a lot of maintenance and with their events. I work in construction.

I have lived in the U.S. for 18 years. I came from Honduras. I left Honduras after Hurricane Mitch. My town was destroyed by the hurricane. It left our community vulnerable and gangs began to threaten us.

I was detained by ICE in November 2019. I was detained for two months. It was a terrible experience. They were just waiting for me outside of my house. They had gotten my information from the DMV. My wife and daughters were there and they were crying as I was forced to the ground and taken away. Being detained took a terrible toll on my family. My daughters were struggling in school, my wife was depressed. It hurt my heart when they would come to visit me and see me locked up. They would cry the whole time.

My family was searching for a lawyer and our community in our church was helping us. A lawyer we found on our own turned us away and told us that our case was not worth pursuing. But the lawyers in CAIR Coalition did not turn me away, the lawyer took on my case. I felt like I could breathe again because I knew that someone was there to help me. I do not know what would have happened to me and my family if I did not have a lawyer. ICE kept pushing me to sign my deportation documents but I told them that I could not abandon my family.

When you are locked up, they do not tell you anything about what is happening with your case. I had been working with another organization that was supposed to be handling my immigration case. They never responded to me and never did anything with my case for five years. I lost thousands of dollars to them. There was no more hope for me, until I found my lawyer. There was now someone who knew the laws and knew how to argue my case in court. People in my community do not have the experience, we do not even know how to talk to the judge.

I ask you to consider how important this bill is. Our community struggles with employment. We are mistreated all the time. We struggle to make ends meet. We cannot afford to pay the huge fees. But having a lawyer is so important because you feel supported because there is someone in the court on your side. I have many friends who went through their cases and didn't have lawyers who were separated from their families and deported.

I ask you to support this bill to help us, to keep our community and families together. I urge a favorable report on SB 129.

**Ring Judicial Proceedings sb0129.pdf**

Uploaded by: Daniel Ring

Position: FAV

Feb 3, 2022

Daniel Ring  
Rockville, MD 20853

**TESTIMONY ON SB#SB0129 - POSITION: FAVORABLE**

**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Daniel Ring

**My name is Daniel Ring. I am a resident of District 19. I am submitting this testimony in support of SB#0129, Access to Counsel in Immigration Proceedings Program.**

As a concerned educator, parent, and citizen, I believe that this bill is an essential piece of legislation to make sure that the laws of our state work for all residents. I'm a public school teacher in Maryland, and spent several years working at a high school with one of the highest immigrant populations in the state. I witnessed firsthand the heavy toll that immigration struggles set upon our young people who simply wish to learn, grow, and make a better life for themselves and their families in a new home.

As a teacher, I've witnessed too many children fall asleep in school after working late, late nights trying to make money to pay for a lawyer. Why would a high school student need a lawyer? For many of my immigrant students, they had no choice - an expensive private lawyer was their only hope of keeping themselves or their families safe from dangerous situations in their home countries. I've seen brilliant students forced to drop out in order to work to make money for legal services. I've seen hard-working, dedicated students fall asleep in the middle of a huge test due to sheer exhaustion from working late nights.

The most difficult hypocrisy was in teaching the Sixth Amendment. Many rights denied to non citizens make sense to explain as a teacher - however the right to legal representation simply did not. How could I justify to these students who saw America as a land of opportunity, safety, freedom, and justice, that just because of their immigration status, they did not merit these rights listed in our lofty Constitution? We have the ability to fix this hypocrisy now, and we must follow through.

These children deserve better from our state. Anything we can do to ease their burden would make it easier for them to do their part contributing as human beings living in our state. Wouldn't we want the same for our families and children?

**I respectfully urge this committee to return a favorable report on SB #0129.**



# **SB 129 - Access to Counsel in Immigration Court.pd**

Uploaded by: Daryl Yoder

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 12. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided with lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

**SB129Test.JUFJ.1.pdf**

Uploaded by: David Norken

Position: FAV

## **David Norken**

2552 Cheval Drive  
Davidsonville, Maryland 21035  
(443) 292-8095  
[dnorken@verizon.net](mailto:dnorken@verizon.net)

February 1, 2022

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

# **Sieradzki Testimony in Support of SB 129 - Access**

Uploaded by: David Sieradzki

Position: FAV

David L. Sieradzki  
6104 Yorkshire Terrace  
Bethesda, MD 20814

Hearing Date: February 3, 2022

**Testimony in Support of SB.0129  
Access to Counsel in Immigration Proceedings Program**

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: David Sieradzki

My name is David Sieradzki. I am a resident of District 16 (Bethesda) and am submitting this testimony in support of SB.0129.

I am the son of a legal immigrant who arrived in the United States after surviving the hell of the Holocaust and being rescued at the end of the war by the United States Army. He was naturalized and became a proud American citizen, and I'm so grateful that he did! If he had been detained and faced deportation proceedings, he definitely could not have been able to afford a lawyer and he probably wouldn't have been able to navigate those proceedings. I doubt my father would have managed to stay in this country, even though there was no reason to deny him that opportunity. And I probably would never have been able to participate in our beautiful democracy by submitting this testimony.

I'm writing to urge you to support the establishment of the Access to Counsel in Immigration Proceedings Program. People who arrive here in Maryland and need legal assistance with immigration proceedings are not "*them*" – they're "*us*." Not "aliens"; human beings – neighbors, parents, brothers, sisters – who might face the grave risk of deportation and need help dealing with the complicated and potentially dangerous immigration system. We need to make sure that our government treats all of us fairly, including those among us who are most vulnerable. Passing this bill to create a new Access to Counsel in Immigration Proceedings Program will help make Maryland more just and more compassionate by ensuring that residents of our state get the legal representation they need in the immigration process.

Thank you for the opportunity to submit this testimony. I respectfully urge this committee to return a favorable vote on SB.0129.

**SB 129\_MLSC\_fav.pdf**

Uploaded by: Deb Seltzer

Position: FAV





# MLSC

MARYLAND LEGAL SERVICES CORPORATION

IOLTA - INTEREST ON LAWYER TRUST ACCOUNTS

**Testimony Concerning SB 129**  
**“Access to Counsel in Immigration Proceedings Program”**  
**Submitted to the Senate Judicial Proceedings Committee**  
**Hearing Date: February 3, 2022**

**Position: Favorable**

**Contact: Deb Seltzer, Executive Director, 410-576-9494 x1009, dseltzer@mlsc.org**

Maryland Legal Services Corporation requests a favorable report on SB 129, enactment of which would establish a program providing access to legal representation in certain immigration proceedings for income-eligible Marylanders.

MLSC’s mission is to ensure low-income Marylanders have access to stable, efficient and effective civil legal assistance through the distribution of funds to nonprofit legal services organizations. It currently funds 36 organizations to work toward that mission across the entire state. The Maryland General Assembly created MLSC in 1982 to administer the state’s Interest on Lawyer Trust Accounts (IOLTA) program, and since that time MLSC grantees have assisted nearly 3.9 million Marylanders with a wide variety of civil legal needs.

SB 129 names MLSC as the administrator of the Access to Counsel in Immigration Proceedings Program. MLSC has the experience necessary to serve in this role. Led by a nine-member Board of Directors appointed by the Governor and confirmed by the Maryland Senate, MLSC has funded and convened civil legal services providers for the past 40 years.

MLSC has an established grantmaking process that includes thorough review of each applicant’s experience, capacity and fiscal health by our Board and staff. Each application is carefully vetted to ensure MLSC is working toward its mission of promoting efficient and effective civil legal services. MLSC also frequently convenes legal services providers to offer chances to learn best practices, identify trends and find opportunities for collaboration.

Civil legal aid helps ensure fairness in the justice system. The essential work of legal aid providers ensures Marylanders have access to justice, regardless of the amount of money they have. The legal system can be confusing and requires specialized knowledge; paired with the high stakes of each case, it is vital to connect as many clients with attorneys as possible. Services that help low-income Marylanders understand their rights and allow them to rely on an advocate can make a tremendous difference.

MLSC urges favorable consideration of SB 129.

**2022 SB129 testimony.pdf**

Uploaded by: Debi Jasen

Position: FAV

Please give Senate Bill 129 a FAVORABLE vote.

Everyone in the United States should have access to a lawyer in a legal proceeding. This is covered by the 6th amendment to the Constitution of the United States. It has repeatedly been determined that aspects of the Constitution, including the 6th amendment, include non-citizens. In Maryland, we're required to be in compliance with the Constitution. As patriotic Americans, we should additionally seek fairness and justice in our country. We cannot accomplish these things without people having effective counsel. Again, please give Senate Bill 129 a Favorable vote.

Thank you for your consideration.

Sincerely,  
Debi Jasen

**SB129\_AFSCME3\_FAV.pdf**

Uploaded by: Denise Gilmore

Position: FAV



190 West Ostend St., #201  
Baltimore, MD 21230  
Phone: 410.547.1515  
Fax: 410.837.5436

Patrick Moran - President

---

**Testimony**  
**SB 129 – Access to Counsel In Immigration Proceedings Program –**  
**Judicial Proceedings**  
**February 3, 2022**  
**FAVORABLE**

AFSCME Council 3 supports SB 129. This legislation establishes a program to provide legal representation and direct services and resources to individuals who are dealing with immigration proceedings and who otherwise could not afford it. SB 129 establishes a fund administered by the Maryland Legal Services Corporation (MLSC) to help individuals cover the costs of their immigration proceedings. This legislation also directs the MLSC to conduct important outreach and education to impacted families and communities.

As the union that represents state employees who work for various state agencies dedicated to providing Maryland's social safety net, SB 129 very much falls in line with our ideals that all Marylanders deserve fairness and opportunity. Our members at the Maryland Office of the Public Defender know the challenges that indigent clients can face in our legal system without the proper resources. Our members in the Departments of Health and Human Services know the impact that the right aid and services can have in helping someone in their time most desperate times of need. This important legislation ensures that as a state we're giving all of our neighbors a fair chance at legal representation and the support and services they need.

AFSCME Council 3 is proud to stand with Maryland's immigrant community on this legislation. SB 129 is a good bill, and we urge the committee to provide a favorable recommendation. Thank you.

Every AFSCME Maryland State and University contract guarantees a right to union representation.  
An employee has the right to a union representative if requested by the employee.  
800.492.1996

Find us: [afscmemd.org](http://afscmemd.org)  
Like us: [facebook.com/AFSCMEMD](https://facebook.com/AFSCMEMD)  
Follow/Tweet us: [@afscmemaryland](https://twitter.com/afscmemaryland)

**Vera Testimony SB129.pdf**

Uploaded by: Elizabeth Kenney

Position: FAV

February 1, 2022

Chairman William C. Smith, Jr.  
Senate Committee on Judicial Proceedings  
11 Bladen Street Room 2 East Wing  
Annapolis, MD

RE: Senate Bill 129, Access to Counsel in Immigration Proceedings Program

Dear Chairman Smith and Members of the Committee,

On behalf of the Vera Institute of Justice (Vera), we are writing in strong support of SB129, which would provide Maryland residents in immigration detention access to legal representation. The Access to Counsel bill would ensure that Marylanders have access to due process and an opportunity to remain with their families, regardless of where they are held in ICE custody. It would center fairness and dignity in a court system that is otherwise dehumanizing and unfair. We urge you to report this bill out favorably.

Vera's mission is to end the overcriminalization and mass incarceration of people of color, immigrants, and people experiencing poverty. We work to transform the criminal legal and immigration systems until they are fair for all. Over the past fifteen years, Vera has led nationwide efforts to advance universal representation - the concept that, much like the public defender system in criminal court, every person facing deportation is entitled to a zealous legal defense regardless of income, race, national origin, or history with the criminal legal system.

**Background:**

Immigrants have been attacked, criminalized, and ripped apart by federal policies. While these policies did not begin with the prior administration, they took on a particularly deliberate brutality and hostility in recent years. As we continue to face societal reckonings with racism and as the impacts of COVID-19 crisis have converged with decades of criminalization and systemic racism, the need for universal representation continues to grow.

Unlike in our criminal legal system, there is no public defender system for people facing the devastating consequences of detention and deportation in immigration court. As a result, most people- including an estimated 70 percent of people in detention- must fend for themselves while facing highly trained government

attorneys seeking to deport them. At the core of the universal representation model is a belief that everyone is entitled to due process and to be treated fairly, justly, and with dignity under the law.

Vera's SAFE Network is a growing movement of communities advancing publicly funded, universal representation for immigrants facing detention and deportation. SAFE partners with 23 jurisdictions to launch defense programs in collaboration with government leaders, legal service providers, and community advocates, and utilizes data and evidence from these programs to evaluate impact and best practices. Pilot programs in Maryland localities have pioneered universal representation and demonstrated the need for state action. Prince George's County and Baltimore City were two of SAFE's first jurisdictions in 2017 and have remained two of our most important partners and national leaders in the movement for universal representation. These programs have successfully served and strengthened their communities, reuniting families and improving economic prospects for clients.

Senate Bill 129 would build on these critical local successes. It would advance universal representation by providing state support for legal representation to Marylanders facing deportation and in immigration detention, including full-scope representation and collateral proceedings, to the many Marylanders facing detention and deportation who are not eligible to be served under these local programs. The bill promotes program design and implementation that reflects [best practices and lessons learned](#) from years of effective implementation of these programs in Maryland and across the country and addresses the needs of Maryland residents faced with a cruel and evolving detention landscape.

## **Why Universal Representation?**

Representation makes a significant difference. Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United States.<sup>1</sup> Despite increasingly steep odds in immigration court proceedings, 35 percent of SAFE clients whose cases have been completed thus far have won the right to remain in the United States.<sup>2</sup> Without representation, detained immigrants languish in detention and are only

---

<sup>1</sup> Ingrid V. Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (2015), 9, <https://perma.cc/7J65-CZCM>.

<sup>2</sup> Vera Institute of Justice, *Rising to the Moment: Advancing the National Movement for Universal Representation (Years 1-3 of the SAFE Initiative)* (New York: Vera Institute of Justice, 2020), 9, <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>



likely to win their cases – and the opportunity to remain lawfully in the United States – two percent of the time.<sup>3</sup>

In addition, representation returns some semblance of dignity to an otherwise cruel and unjust process, and it helps keep families, businesses, and communities together. People helped through universal representation programs like those of the SAFE Network are deeply entrenched members of our workplaces and communities. SAFE clients have lived in the United States for an average of 14 years.<sup>4</sup> Seventy-seven percent of SAFE clients and 92 percent of SAFE Maryland clients are the primary breadwinners for their families.<sup>5</sup> The impact of SAFE in its first three years make clear the stark reality: without counsel, many SAFE clients and Marylanders who have a right to remain in the United States would instead have been deported - separated from their families and homes or forced to return to the very conditions from which they fled to seek protection – simply because they cannot afford an attorney.

By ensuring equal access to due process for all, SB129 is also critical to necessary state efforts to address systemic racial injustice. The racial biases and inequities that plague the criminal legal system pervade the immigration system. Black immigrants, who are more likely to be stopped, arrested, and incarcerated, are disproportionately funneled into the immigration enforcement system as a result of that contact with the criminal justice system.<sup>6</sup> Publicly funded deportation defense programs serve as a critical safeguard in a largely unchecked pipeline between the criminal and immigration systems, ensuring that communities that are criminalized and targeted by over-policing and increased immigration enforcement are not erroneously detained or deported by virtue of that increased exposure. They help secure the release of people from detention, restore due process, and build community trust.

### **Increased Need for Representation:**

The largest COVID-19 outbreak in immigration detention in the history of the pandemic is happening now. As of January 19, 2021, there were 2,224 confirmed cases, surpassing the previous maximum confirmed cases reported in detention in

---

<sup>3</sup> Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court (Special Report)*, (Washington, DC: American Immigration Counsel, 2016), 19, [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_migration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_migration_court.pdf).

<sup>4</sup> *Id.* at 22.

<sup>5</sup> *Ibid.*

<sup>6</sup> Jeremy Raff, “The ‘Double Punishment’ for Black Undocumented Immigrants,” *Atlantic*, December 30, 2017, <https://perma.cc/R7UZMKF7>

May 2021. And the latest spike is drastic- just one month ago, ICE reported 220 confirmed cases in detention.<sup>7</sup> During the pandemic, the stakes for people facing deportation while incarcerated in immigration detention could not be higher, and legal representation can mean the difference between life and death. Detained immigrants face increased public health risks as detention facilities are a vector of the spread of the COVID-19.<sup>8</sup>

Winning freedom from detention has never been more critical. Lawyers provided as part of universal representation programs have been fighting tirelessly on behalf of those detained, even as ICE continued to irresponsibly arrest community members and resist public calls for humanitarian release. Attorneys in Maryland, including the Capital Area Immigrant Rights (CAIR) Coalition, work in coordination with CASA and as part of the emergency response network for immigrant communities, fighting for the health, safety, and dignity of their clients amid COVID-19.

Although the need is particularly acute during a pandemic, universal representation is critical so long as community members face the detention and deportation machinery. The consequences of deportation proceedings – exile from family and community and possible harm or death in the country of origin – are dire.

### **The Movement for Universal Representation**

Over fifty politically diverse jurisdictions across the country have now stood up publicly funded deportation defense programs, including 8 states.<sup>9</sup> In just the past year, the states of Colorado and Nevada enacted legislation to establish new statewide funds for deportation defense and the state of New Jersey grew its universal representation program. New York Governor Hochul proposed increased funding of \$12 million to New York State’s immigrant legal services program, while the legislature is similarly considering legislation to establish the right to appointed counsel for New Yorkers facing deportation. These national efforts are a resounding affirmation of the need for and success of universal representation programs and the role of state government in ensuring these protections for its communities.

---

<sup>7</sup> See Tracking COVID-19 in Immigration Detention, Vera Institute of Justice, <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

<sup>8</sup> Vera Institute of Justice, *COVID-19: Criminal Justice Responses to the Coronavirus Pandemic*, (New York: Vera Institute of Justice, 2020), <https://www.vera.org/projects/covid-19-criminal-justice-responses/covid-19-data>

<sup>9</sup> The states include California, New York, Oregon, Washington, Illinois, New Jersey, Colorado, Nevada.

Universal representation is also widely supported by the public. An overwhelming 67 percent of people in the United States support government-funded lawyers for immigrants facing deportation.<sup>10</sup> Locally 71% of people in the Baltimore metropolitan area and 83% of people in Prince George’s County, MD, support government funded attorneys for immigrants facing deportation.<sup>11</sup>

The state of Maryland has a critical opportunity now to expand and guarantee access to representation for immigrant residents, leading the growing national movement of universal representation. We urge your support of SB129 so that the State of Maryland leads a roadmap for action for immigrant communities, public investment in its communities, and a new vision of justice.

Sincerely,



Elizabeth Kenney  
Associate Director, SAFE Initiative  
Vera Institute of Justice

---

<sup>10</sup> Vera Institute of Justice, Taking the Pulse: Public Support for Government-Funded Attorneys in Immigration Court (New York: Vera Institute of Justice, 2020), <https://www.vera.org/publications/taking-the-pulse>.

<sup>11</sup> Vera Institute of Justice, “Public Support in Baltimore, MD, for Government-Funded Attorneys in Immigration Court,” February 2021, <https://www.vera.org/downloads/publications/taking-the-pulse-baltimore.pdf>; “Public Support in Prince George’s County, MD, for Government-Funded Attorneys in Immigration Court,” February 2021, <https://www.vera.org/downloads/publications/taking-the-pulse-prince-georges-county.pdf>.

# Testimony.pdf

Uploaded by: Elon Atlaw

Position: FAV

My name is Elon Atlaw and I am a student at Northwood High School in Montgomery County. I am also a member of Fans of Immigration and Asylum Reform (FAIR), a student-advocacy group in Montgomery County that fights for humane detention policies, and reform of the asylum and immigration system.

I am writing to you today to urge you to support SB129: Access to Counsel in Immigration Proceedings. Multiple studies show that legal representation can make or break immigration cases. We know that more than 600 children of detained Marylanders are affected by a parent being deported or detained. I have seen firsthand deportation and detention harshly affect my classmates. We support SB129 because we believe in universal representation: the right of ALL people to due process under the law regardless of their background or merit of case.

I urge you to support SB129, youth voices are counting on you.

# **SB129\_EmmaHofman\_Fav.pdf**

Uploaded by: Emma Hofman

Position: FAV

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Emma Hofman and I am a legal assistant at Capital Area Immigrants' Rights (CAIR) Coalition. I was born and raised in Montgomery County where most of my family still resides. As a legal assistant working with Maryland residents in immigration detention, I am writing to express my support for SB 129: "**Access to Counsel in Immigration Proceedings Program.**"

As a legal orientation provider for detained immigrants in the DC, Maryland, and Virginia area, I have gotten to see how harmful it is to limit counsel for detained immigrants. I have spoken to countless individuals that simply lack the resources to be heard in our immigration system; this truth has resounding effects of injustice for not only immigrants but also entire communities and ecosystems in our state.

- I have been working with detained immigrants in DC, Maryland and Virginia for a year now, and I received training from CAIR Coalition. Before this, I worked with asylum seekers in Greece in an educational non-profit. As someone who is deeply connected to both Montgomery County and immigrant justice work, I find this bill to be the bare minimum for a decently equitable approach.
- As one of the “frontline” workers in detained immigrant legal services, I think it is practically impossible for an immigrant to win their immigration case from jail, especially considering the quality of ICE facilities. In our legal orientation team, when an individual wins their case without representation, it is truly an anomaly; I can only recall three people without representation who have been granted protection. I have also discovered that detained populations are often some of the most marginalized. I have worked with individuals who are illiterate, some with severe mental health concerns, some with ongoing trauma, and many other traits that would inhibit someone's abilities in immigration court. Even for someone without any of the aforementioned histories or characteristics, the immigration system is intentionally built for the respondent to fail.
  - I have yet to work with a client that has not experienced heightened mental health issues in jail. Taking on the emotional burden of detention, being separated from loved ones, and trying to find a lawyer while you are no longer able to make money are just a few characteristics that set detained immigrants up for failure.
  - While I am confident in my abilities, I am not a lawyer. I am unable to advise clients as to what would be best for them. Currently we are working completely remotely, so my only opportunity to give individuals information without charge is when they are able to call the CAIR Coalition hotline that cuts off after 15 minutes. I have also heard countless complaints about the efficiency and access to law libraries even if the individual has the capacity to do their own research. I put countless hours into each filing, but at the end of the day I have to trust that the individual I am working with can maintain their composure in court, explain their claim thoroughly, and do a good enough job to convince the judge that they are worthy of an opportunity to stay in this country.

- I support SB 129 because I believe in an America that provides equitable opportunity. Detained clients are 10.5 times more likely to lose their cases when they do not have representation (Ingrid V. Eagly & Stephen Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 PENN. L. REV. 1, 49 (2016), available at [https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review)), and I have seen this injustice up close and personal. I dream of a day when I am proud of my home states' ability to protect marginalized populations.

Thank you for taking the time to read my letter, I urge a favorable report on SB 129.



# **SB129\_Fausto\_Fav.pdf**

Uploaded by: Fausto Herrera

Position: FAV

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Fausto and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I was born in Guatemala. I came to this when I was 19 years-old. I fled from my country because my family was heavily involved in politics. We were accused and ostracized. We were discriminated.

I am married and have one son who is three years old. He is a U.S. citizen. I go to a Christian church in Baltimore.

I was detained by ICE in November of 2019. I was separated from my young son. It was very difficult for my family. I was the one who supported our household. My wife had to financially support us and raise our son. Being in detention was something that was very difficult. I speak Spanish and did not know what was happening. I just assumed I was going to be deported.

While I was in detention, someone told me about CAIR Coalition and I was able to contact them and get help from an attorney. It is something very helpful. She helped me understand everything that was going on. She coordinated with my wife and family and helped them understand my case as well. Without her help, I would not be able to be in this country. I am so thankful for my attorney. She fought very hard for me and my family. I was filled with so much joy when I was reunited with my wife and my son. It is something that I cannot describe in words. Now I can work on our lives and our future.

I think this bill is very important. Often, we struggle financially. It can be very expensive. This help is incredible. This can mean the difference for so many people. There are so many more people who need help.

Due to my experience in detention, and how much my situation changed when I had a lawyer, I urge a favorable report on SB 129.

# **Updated Testimony in Support of Access to Counsel**

Uploaded by: Gisela Kusakawa

Position: FAV



February 1, 2022

Re: Testimony in Support of Access to Counsel in Immigration Proceedings (HB114/SB129)

Dear Chair Smith, Jr., Vice Chair Waldstreicher & Members of the Senate Judicial Proceedings Committee:

Asian Americans Advancing Justice | AAJC writes to express our strong support for the Access to Counsel in Immigration Proceedings bill (HB114/SB129) and urge you to pass the bill out of committee. Individuals in deportation proceedings do not have the right to government-funded counsel leaving thousands of people to represent themselves pro se. This has devastating consequences for immigrants in deportation proceedings. Immigrants with lawyers are 10.5 times more likely to win their cases,<sup>1</sup> and yet an alarming 81% of detained immigrants in Maryland had no legal representation in their case.<sup>2</sup> SB129 would provide indigent immigrants with their due process right to counsel and ensure that persons and their families are aware of their rights and receive adequate support.

Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation's leading experts on civil rights issues of importance to the Asian American community including immigration and immigrants' rights, census, hate incidents, language access, technology, and telecommunications, and voting rights.

Immigration is an important issue to Asian Americans. 92% of Asian Americans are immigrants or the children of immigrants. Maryland is home to over 415,000 Asian Americans making up 7% of the population. Around 266,000 of them are immigrants, and around 39% of Maryland's Asian American population are limited English proficient. Overall, 15% of Marylanders are immigrants, and nearly 275,000 Marylanders are undocumented.<sup>3</sup> Asian immigrants are often overlooked in the discussion of undocumented migration and immigration enforcement. However, there are around 35,000 undocumented Asian immigrants living in Maryland.

The government has a long history of criminalizing and detaining Asian immigrants, their families, and their communities. One of the worst examples of detention was the incarceration of

---

<sup>1</sup> Teresa Wiltz, *By law, if you're charged with a crime in the U.S., you have a right to counsel, no matter your ability to pay. That's not the case in immigration court.*, HUFFPOST (November 9, 2017), available at [https://www.huffpost.com/entry/amid-immigration-crackdown-cities-step-in-with-free\\_b\\_5a046701e4b055de8d096af0](https://www.huffpost.com/entry/amid-immigration-crackdown-cities-step-in-with-free_b_5a046701e4b055de8d096af0) (last visited January 30, 2022).

<sup>2</sup> *Prince George's County Pledges Half of a Million Dollars Towards Access to Counsel for Detained Immigrants*, IMMIGRANT JUSTICE CORPS (June 25, 2020), available at <https://justicecorps.org/news/prince-georges-county-pledges-half-a-million-dollars-towards-access-to-counsel-for-detained-immigrants/> (last visited January 30, 2022).

<sup>3</sup> All data in this testimony related to Asian Americans residing in Maryland can be found at [aapidata.com](http://aapidata.com).

120,000 Japanese Americans during World War II.<sup>4</sup> Based simply on their ancestry, Japanese Americans were incarcerated, resulting in around 2,000 deaths from a series of causes including infectious diseases, bad sanitation, or even shooting by guards.<sup>5</sup> Children were not spared this association of guilt based on ancestry, and over 5,000 American babies were born in detention.<sup>6</sup> Fathers, mothers, and children were rounded up and forced to leave their homes and move into detention centers behind barbed wire and reduced to numbers on tags.<sup>7</sup>

This legacy of criminalizing and holding in custody immigrant communities continues to this day. Asian immigrants make up a significant portion of the population of detained immigrants nationally. As of June 2018, there were as many as 4,881 Asian immigrants in detention out of 50,000 total at the time.<sup>8</sup> Many of them were asylum seekers who were seeking protection in the United States under our asylum laws. The majority of Asian immigrants detained were from India, China, Bangladesh, Nepal, Iraq, Vietnam, and Pakistan.<sup>9</sup> Indian immigrants alone made up almost half of all detained Asian immigrants.<sup>10</sup> Our current detention system impacts not only asylum seekers, but also immigrants including long-time members of our communities, lawful permanent residents (LPRs), and family members of U.S. citizens. Within the Asian American community, Southeast Asian refugees have been notably targeted. There are 17,000 Southeast Asian lawful permanent residents living with a final order of removal.<sup>11</sup> In June 2018, about 43% of Vietnamese Americans detained lived in the United States for over two decades.<sup>12</sup> The percentage of Lao and Cambodian Americans detained who lived here for over twenty years is even higher at 86% and 75%, respectively.<sup>13</sup> Moreover, Filipinos have the second highest

---

<sup>4</sup> See Exec. Order 9066, 7 Fed. Reg. 1407 (Feb. 19, 1942) (authorizing the internment of Americans of Japanese ancestry); see also *Korematsu v. United States*, 323 U.S. 214 (1944) (upholding the internment under strict scrutiny review); see also *Preserving Japanese American stories of the past for the generations of tomorrow.*, DENSHO, available at <https://densho.org/>.

<sup>5</sup> *Medical care in camp*, DENSHO, available at <https://densho.org/>; see also Gisela Perez Kusakawa, *The Korematsu Legacy: "Standing up for what is right!"*, MEDIUM (Jan 30, 2020), available at <https://medium.com/advancing-justice-aajc/the-korematsu-legacy-stand-up-for-what-is-right-4a19c5af491d>.

<sup>6</sup> *Id.*

<sup>7</sup> See Exec. Order 9066, 7 Fed. Reg. 1407 (Feb. 19, 1942) (authorizing the internment of Americans of Japanese ancestry); see also *Korematsu v. United States*, 323 U.S. 214 (1944) (upholding the internment under strict scrutiny review).

<sup>8</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, *INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES* 63 (2019) (citing TRAC, "Immigration and Customs Enforcement Detainees."), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, *INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES* 63 (2019) (citing Parvini, "Growing Number of California Detainees"; PTI, "2,382 Indians Languishing in U.S. Jails for Illegally Crossing Border," *Economic Times of India* (November 12, 2018)), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>11</sup> *SEARAC Denounces Scheduled Deportation over 50 Cambodian Americans*, SEARAC (July 1, 2019), <https://www.searac.org/immigration/searac-denounces-scheduled-deportation-of-over-50-cambodian-americans/> (last visited September 25, 2019).

<sup>12</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, *INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES* 64 (2019) (citing TRAC, "ICE Detainees"), available at [https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>13</sup> *Id.*

number of ICE arrests in between 2015 and 2018, and the highest number of deportations between 2017 and 2018 among Southeast Asians.<sup>14</sup> In 2020 alone, more than 900 Filipinos have new deportation proceedings filed.<sup>15</sup> Southeast Asian households who have a family member that is detained face family separation and the continued hardship of not knowing whether their families will be able to reunite or be separated indefinitely.<sup>16</sup>

Immigrants in deportation proceedings lack resources, due process, and access to legal counsel. Immigrants who are detained and in removal proceedings do not have the right to counsel at the government's expense.<sup>17</sup> This leaves indigent immigrant populations vulnerable,<sup>18</sup> and they are forced to handle the intricacies and complications of the U.S. immigration system alone before a judge and an opposing DHS attorney. Moreover, detained immigrants face severe logistical challenges in accessing legal resources. For example, about 30% of immigrants detained in ICE facilities are more than one hundred miles from the nearest government-listed legal aid provider.<sup>19</sup> The representation rate for detained immigrants was only 14% between 2007 and 2012.<sup>20</sup> This representation rate is even lower at 10% for detained immigrants in a small city or rural area.<sup>21</sup> This lack of representation makes all the difference in court. Providing legal representation to detained immigrants in Maryland would change lives in determining whether families stay together or are torn apart.

We thank you for holding a hearing on this important bill and urge you to vote for it. Please feel free to contact me with any questions at [gkusakawa@advancingjustice-aaajc.org](mailto:gkusakawa@advancingjustice-aaajc.org).

Sincerely,

Gisela Perez Kusakawa  
Staff Attorney, Anti-Racial Profiling Project & Immigration  
Asian Americans Advancing Justice | AAJC

---

<sup>14</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 63 (2019).

<sup>15</sup> Data available at Transactional Records Access Clearinghouse.

<sup>16</sup> National Asian Pacific American Women's Forum & Southeast Asia Resource Action Center, "Dreams Detained in Her Words: The Effects of Detention and Deportation on Southeast Asian American Women and Families," [https://www.searac.org/wp-content/uploads/2018/09/dreams\\_detained\\_in\\_her\\_words\\_report-2.pdf](https://www.searac.org/wp-content/uploads/2018/09/dreams_detained_in_her_words_report-2.pdf).

<sup>17</sup> Ingrid Eagly & Steven Shafer, "Access to Counsel in Immigration Court," (Sept. 28, 2016), <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

<sup>18</sup> *Id.*

<sup>19</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 62 (2019) (citing Ingrid Eagly and Steven Shafer, "Access to Counsel in Immigration Court," American Immigration Council (September 28, 2016); Kyle Kim, "Immigrants Held in Remote ICE Facilities Struggle to Find Legal Aid before They're Deported," Los Angeles Times (September 28, 2017)), available at [https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>20</sup> ADVANCING JUSTICE—AAJC & ADVANCING JUSTICE—LOS ANGELES, INSIDE THE NUMBERS: HOW IMMIGRATION SHAPES ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES 62 (2019) (citing Ingrid Eagly and Steven Shafer, "Access to Counsel in Immigration Court," American Immigration Council (September 28, 2016); Kyle Kim, "Immigrants Held in Remote ICE Facilities Struggle to Find Legal Aid before They're Deported," Los Angeles Times (September 28, 2017)), available at [https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153\\_AAJC\\_Immigration\\_Final\\_Pages\\_LR-compressed.pdf](https://www.advancingjustice-aaajc.org/sites/default/files/2019-06/1153_AAJC_Immigration_Final_Pages_LR-compressed.pdf).

<sup>21</sup> *Id.*

**2022-02-03 SB 129 (Support).pdf**

Uploaded by: Hannibal Kemerer

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 3, 2022

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0129 – Access to Counsel in Immigration Proceedings Program – **Support**

---

Maryland is a vibrant and diverse state. Approximately 15 percent (911,582) of our population is foreign-born and just over 7 percent (443,489) are noncitizens. Between 2010 and 2014, nearly 300,000 people in Maryland lived with at least one undocumented family member; and 7 percent of U.S. citizen children in Maryland live with at least one undocumented family member.<sup>1</sup> For years, these Marylanders have lived under the constant threat of detention and deportation – an often cruel and inhumane system that rips families apart and captures immigrants with and without lawful status.<sup>2</sup> Despite the similarity to criminal prosecutions—including long periods of incarceration and the potential serious consequence of permanent removal from the country—under current law residents facing deportation proceedings are not entitled to legal counsel. And as with criminal proceedings, systemic racism also permeates immigration enforcement: although Black immigrants comprise only 5.4 percent of the U.S. undocumented population, they represent 20.3 percent of those facing deportation.<sup>3</sup> Senate Bill 129 seeks to address this issue by establishing a universal representation program for immigrants detained in Maryland and Marylanders who are detained outside of the State.

While legal representation does not ensure those facing deportation of a successful outcome (nor should it), it would help protect Marylanders from prolonged and unnecessary detention by increasing the likelihood that those with valid defenses against deportation are more quickly reunited with their families and communities. A 2017 analysis of the Baltimore

---

<sup>1</sup> <https://www.americanimmigrationcouncil.org/research/immigrants-in-maryland>

<sup>2</sup> While immigration raids increased significantly under the Trump Administration, prior federal administrations also arrested and deported Maryland residents and some immigration enforcement continues under the Biden Administration.

<sup>3</sup> <http://www.stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>



Immigration Court found that immigrants without counsel were more than twice as likely to be detained during their entire case.<sup>4</sup> Unfortunately, most Marylanders facing deportation have no legal representation.<sup>5</sup> Moreover, although immigration arrests have decreased under the Biden Administration, there is still a great demand for legal assistance.<sup>6</sup>

The Office of the Attorney General recognizes the importance of legal counsel where critical rights and interests, such as one's liberty, are at stake and supports SB 129 without qualification. For these reasons, the Office of the Attorney General urges a favorable report on SB 129.

cc: Members of the Committee

---

<sup>4</sup> [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf)

<sup>5</sup> *See id.*

<sup>6</sup> *See e.g.*, <https://www.npr.org/2022/01/21/1073162105/biden-limits-ice-immigrant-advocates>.

**SB0129 - FAVORABLE - Ioana Stoica.pdf**

Uploaded by: Ioana Stoica

Position: FAV

February 3, 2022

Ioana Stoica  
Laurel, MD 20707

**TESTIMONY ON SB0129 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Ioana Stoica

**My name is Ioana Stoica. I am a resident of District 21. I am submitting this testimony in support of SB0129, Access to Counsel in Immigration Proceedings Program.**

I write to you as a constituent, as an immigrant, and as a member of Oseh Shalom, a reconstructionist synagogue in Laurel, MD. My faith and my background both form the foundation for my beliefs that not only must we welcome those fleeing injustice, but we must stand for the principles we profess as a nation: our country is one that supposedly affords equal access and freedom for all. However, in practice, too many groups, including immigrants, are in fact not afforded the same rights as others.

A fair hearing and determination of whether someone can indeed be allowed to remain here in the face of extreme hardship or even danger to their life back home should not depend on someone's income or knowledge of how to navigate complex bureaucracy. My personal experience is that my father defected from communist Romania, and was granted asylum in the US; after communism fell, it took my mother, sister, and I a couple of years of filing paperwork and wading through bureaucracy to be allowed to join my father. We had the privileges of being familiar with how to navigate such systems, we had extensive family support, and also my parents were by this time both fluent in English.

However, our privileges now do not extend to so many others who are facing just as dire, and in many cases, much worse, situations. People today escaping civil war, drought and other natural hardships, extreme poverty, gang violence, and those simply seeking freedom to pursue happiness and better conditions for their children, deserve the same supports. They deserve counsel to advise them on the intricacies of US immigration law, and they deserve their fair day in court. We know that immigrants who are not represented by counsel are, according to some studies, ten times less likely to be granted asylum or relief from deportation. The situation is even more dire and heartbreaking when considering children immigrants and refugees. Having children fend for themselves in immigration court, an image that's sadly been far too prevalent in the news these past few years, is a horrifying national disgrace, and I hope that the progressive state of Maryland can stand at the forefront of the battle against this moral outrage.

Please, stand up for the fundamental principle of a just system in which all individuals are granted representation and the opportunity to make their case fully, regardless of the privileges or lack thereof that they were born into, and support this important legislation. **I respectfully urge this committee to return a favorable report on SB0129.**

Ioana Stoica

**SB0129.pdf**

Uploaded by: Jennifer Cruz

Position: FAV

My name is Jennifer Cruz and I am a student at Poolesville High School in Montgomery County. I am also a member of Fans of Immigration and Asylum Reform (FAIR), a student-advocacy group in Montgomery County that fights for humane detention policies, and reform of the asylum and immigration system.

I am writing to you today to urge you to support SB129: Access to Counsel in Immigration Proceedings. This bill would ensure that immigrants in Maryland who are in detention and facing deportation have access to legal representation. Right now 7 out of 10 of the detained Marylanders cannot access counsel; out of more than 400 Marylanders who are forced to fight to keep their children and family together. FAIR supports SB129 because we believe in universal representation: the right of ALL people to due process under the law.

I urge you to support SB129. Our community is counting on you.

Thank you for your time,  
Jennifer Cruz

**SB129\_CAN\_fav.pdf**

Uploaded by: Jerry Kickenson

Position: FAV



**faith. love. liberation.**  
**fe. amor. Liberación.**

**Testimony in support of SB0129**

**Access to Counsel in Immigration Proceedings Program**

To: Hon. William Smith, Jr., Chair, Hon. Jeff Waldstreicher, Vice-chair and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson and Martha Wells, Congregation Action Network

Date: February 3, 2022

We are writing in **support of Senate Bill 0129**, Access to Counsel in Immigration Proceedings Program, on behalf of the Congregation Action Network (CAN). The Congregation Action Network is a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for and solidarity with our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated.

SB129 would provide legal representation for Maryland residents facing detention or deportation in immigration court. Having legal counsel has been shown to be the critical difference in whether an immigrant gets to be free pending adjudication of his or her asylum request, and whether an immigrant is deported or is allowed to live freely and safely with his or her family in the U.S. Keeping families whole is a fundamental tenet of many faith traditions.

Those facing incarceration in criminal court are provided an attorney if needed, since the serious consequences of incarceration are recognized. Those facing detention and deportation in immigration court are facing the same and worse, as deportation can sometimes literally be a death sentence.

Before the pandemic, CAN observed several immigration court proceedings in the Baltimore federal building. The pattern was clear - those with an attorney still had a difficult time obtaining bond or asylum, but often succeeded, while those without an attorney typically either lost their case or just gave up and self-deported. Justice demands that all have a chance to make their case for freedom and asylum.

We respectfully urge you to reach a **favorable** report for SB129. It will provide true due process to all residents of Maryland facing loss of their liberty and home. It is the right and moral thing to do.

Respectfully yours,

Jerry Kickenson, Cluster Leader, Congregation Action Network (Montgomery County)

Martha Wells, Cluster Leader, Congregation Action Network (Prince Georges County)

# **HPP SB 129 Testimony- FINAL.pdf**

Uploaded by: Jessica Emerson

Position: FAV



## 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.

# **Health Care for the Homeless - SB 129 FAV - Access**

Uploaded by: Joanna Diamond

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**IN SUPPORT OF**  
**SB 129 – Access to Counsel in Immigration Proceedings Program**

**Senate Judicial Proceedings Committee**  
**February 3, 2022**



Health Care for the Homeless strongly supports SB 129, which would establish a program to provide income-eligible individuals with legal representation in immigration proceedings in Maryland. As a Federally Qualified Health Center (FQHC), Health Care for the Homeless sees thousands of clients every year who are undocumented immigrants or facing various legal issues with regard to their immigration status. Providing access to legal representation in immigration proceedings would be exponentially helpful to our clients. Right now, it is more of a privilege to receive counsel as the majority of our clients are not able to access this support due to the mountain of barriers, competing priorities, and financial burdens. Legal barriers with regard to immigration affects every facet of many of our clients' lives.

Access to counsel is an issue of racial justice and basic fairness. In 2021, Health Care for the Homeless conducted extensive research and analysis with regard to Racial Equity and Inclusion (REI) at our agency and immigrants' rights and immigrant justice emerged as a top priority of the among our staff and clients.

Dr. Iris Leviner, our Director of Pediatric and Family Medicine, stated, "I hear so many of my patients seeking help with immigration proceedings as their number one priority among many other needs. Our families are excluded and marginalized in so many ways. This is one small but extremely helpful way to address that." Dr. Leviner went on to share a specific client story: "I remember one father and son who came in to establish care. They had been through some harrowing experiences including the loss of loved ones via a presumably intentionally set fire in their home in their home country. I was trying to collect a social and medical history and help facilitate school enrollment and the father just kept coming back to a plea for help with their immigration situation. It was his number one priority for which I had very limited resources to offer."

Our Coordinator of Community Health & Outreach, Lilian Amaya, expressed how important this bill would be for the clients she serves: "we have clients who make sure that they make their immigration proceedings priority by neglecting their health, work, housing, and general well-being. We've had clients with terminal cancer, children, and experiencing homelessness worried about not having legal representation and this fear of deportation forces them to skip treatment/appointments/work/kid's school/etc. My community [referring to her own immigrant community] is vulnerable and in fear of deportation every day that they are in this country without legal status. I can't imagine what that feels like. Honestly, having legal representation would help reduce some of the anxiety/fear around having to show up in court, not knowing the language or how to read, and being in a new world without any support. I see this being a miniature step in the direction of justice."

Legal issues arising from immigration status impact the health and well-being of entire families. As such, it is imperative the legislature take this step in helping ease the burdens of immigration proceedings and provide basic fairness and due process to these families. We strongly urge a favorable report on SB 129.

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

# **SB129 Access to Council in Immigration Proceedings**

Uploaded by: Joanna Silver

Position: FAV

February 3, 2022

Joanna Silver  
Silver Spring, MD 20902



**TESTIMONY IN SUPPORT OF SBI29**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Joanna Silver

My name is Joanna Silver and I live in Silver Spring, in District 18. I advocate on behalf of a number of organizations and I coordinated the Montgomery County Deportation Defense Coalition, which came together to advocate for funding for the legal representation of detained immigrants from Montgomery County.

I share this testimony in support of SBI29 on behalf of Takoma Park Mobilization. Takoma Park Mobilization is a grassroots advocacy organization with a network of over 2500 people in Takoma Park and Silver Spring, Maryland that works to enact local, state, and national policies and laws that ensure equal justice for all, with special attention to the treatment of people of color, immigrants, and other vulnerable individuals in our communities.

While I am testifying in my capacity as a community activist, I work professionally as an Assistant Federal Public Defender in the District of Maryland, where I focus on the intersections between criminal and immigration law and have represented many people charged with illegally reentering the United States after being deported. As a result, I am familiar with the ICE detention and deportation process. This familiarity, along with my personal experience living among the many immigrants at risk of deportation in Montgomery County, leads me to strongly support SBI29.

The vast majority of immigrants I represent in federal criminal court were not represented by an attorney during their deportation hearings. Through the course of my representation, I review transcripts and recordings of deportation hearings. What I have seen and heard in these proceedings ranges from disturbing to shocking: people with no legal expertise, often no experience with our legal system at all, and almost always participating with the aid of an interpreter, are asked to represent themselves against a lawyer from the Department of Homeland Security in front of a judge working for the Department of Justice. This lack of due process is even more disturbing when one considers, which I must, that removal hearings can

result in both deportation and a federal felony conviction, with penalties ranging from two to twenty years, if the person reenters the country in the future.

The body of law unrepresented immigrants must navigate is complex, so complex that as a criminal law practitioner, I regularly retain the services of immigration attorneys so that I can understand the records I am reviewing and the defenses that could have been raised had my client been represented. With incredibly high caseloads, removal hearings move quickly and are usually perfunctory; while there is a right to due process, that right is meaningless without counsel to enforce it. As a criminal law practitioner who works in a system in which there is a constitutional guarantee to both counsel and due process, the absence of counsel and the mockery of due process that I see in immigration court can be hard to process, yet the consequences are equally, and quite often more severe, than those faced by my clients in their criminal cases.

While most people think of a court proceeding when they think about the deportation process, a significant percentage of my clients were deported through administrative proceedings consisting solely of documents completed and filed by ICE officers, with no right to appear before an immigration judge. In these administrative and expedited proceedings, the ability to identify and understand the small number of defenses available is impossible without a close knowledge of the applicable law or the ability to file the proper motions to stay what is designed to be a rapid deportation process. Moreover, in both administrative proceedings and those before immigration judges, all written applications for relief must be filed in English, which is yet another barrier to justice for pro se, non-English-speaking petitioners.

Of the many thousands of people ensnared in our deportation system, immigrants detained by ICE are the most vulnerable; this is why SBI29's application to detained immigrants is critical. Detained immigrants are at greater risk of being unrepresented than non-detained immigrants. A person in jail cannot work to pay for an attorney while their case proceeds and the detained immigrant is often the primary breadwinner, leaving their family with even less money than usual to hire an attorney. In addition, there are a limited number of attorneys who represent detained immigrants given the challenge and expense of these cases, including the logistics of representing someone who is often detained far away, with limited if any access to phone calls. Moreover, because detained cases move quickly through the system, the families of detained immigrants have far less time to earn and save the money needed to pay an attorney.

The faster pace of the detained docket also places detained immigrants at greater risk of losing their cases because they have less time to prepare and to gather documents or other evidence needed for their defense. Of course, accessing records and other evidence while detained is next to impossible, even if you know what records and evidence you need. Added to all of this is

that the legal defenses available to detained immigrants are often more complicated, requiring a more sophisticated knowledge of immigration law that many immigration law practitioners themselves lack, hence the small number of attorneys qualified to represent this population.

While immigration detention is classified as “administrative,” detained immigrants face the same threats to their life and liberty as do people in jail for criminal matters. Marylanders detained by ICE are in the same jails as criminal detainees and they face the same denial of appropriate medical care, harsh conditions of confinement, including the use of solitary confinement, and limited access to programming (ICE detainees often have less access to programming than criminal detainees housed in the same facilities). The COVID-19 pandemic has magnified the impact of detention on immigrants facing deportation; they are unable to protect themselves while incarcerated and ICE has done a poor job protecting them, as evidenced by the many outbreaks in ICE detention centers. In addition, public health-related restrictions imposed by immigration courts have limited due process even more than usual. In short, the pandemic has rendered this vulnerable population in even greater need of representation.

In sharp contrast to the regular miscarriages of justice I have observed in the many cases in which my clients lacked counsel during their removal proceedings, I have also had the opportunity to see what can happen when a detained immigrant has high quality representation. I have been fortunate to successfully refer a number of clients to the Capital Area Immigrants’ Rights Coalition (CAIR Coalition) and to a small number of private practitioners over the years, and with the assistance of these attorneys I have had several clients overcome significant obstacles to successfully remain in the United States, supporting their families and contributing to our local economy. Not only has this representation benefited individual immigrants in individual cases, but in many instances I have seen high quality legal representation result in positive changes in case law that has gone on to impact the entire immigration legal system, benefitting many others, including those without lawyers.

Last, but certainly not least, as a resident of Montgomery County, home to the largest number of immigrants of any jurisdiction in the state, I am particularly committed to the establishment of a statewide guarantee to the right to counsel for immigrants detained by ICE. Unlike Prince George’s County and Baltimore City, Montgomery County still does not have a funding mechanism that ensures representation for its detained immigrants. The success and well being of my immigrant neighbors is critical to Montgomery County’s success, which in turn impacts the fiscal and social well being of the entire state. From a moral standpoint, a person’s ability to access due process when detained and facing permanent exile from their community should not depend on what part of Maryland they happen to live in.

For all of these reasons I respectfully ask you to reach a favorable report on SBI29.



**WDC Testimony HB0129-2022\_FINAL.pdf**

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 0129**  
**Access to Counsel in Immigration Proceedings Program**  
**Judicial Proceedings Committee – February 3, 2022**  
**SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)**. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of SB0129. Per this bill, the state will create an *Access to Counsel in Immigration Proceedings Special Fund* for certain immigrants in need of representation who are in removal proceedings.

Although immigrants are treated like criminals (i.e., handcuffed and shackled) then detained behind bars, they are not provided with the same right to counsel as other members of our state who are charged with a crime. The American Immigration Council (AIC), which is an arm of American Immigration Lawyers Association (AILA), and the largest immigration lawyers association, conducted a study into the legal rights of immigrants. They found that “the lack of legal representation has a profound impact on immigrants’ outcomes in removal proceedings. The lack of appointed counsel may have a profound impact on immigrants’ ability to receive a fair hearing. Represented immigrants in detention who had a custody hearing were four times more likely to be released from detention (44 percent with counsel versus 11 percent without). Detained immigrants with counsel were nearly 11 times more likely to seek relief, such as asylum, than those without representation (32 percent with counsel versus 3 percent without). As a result, AIC and AILA have advocated for legal representation for detained immigrants.

WDC agrees with AIC and AILA. Detained immigrants must have access to fair and just representation. In America, universal representation is a key component of our legal system. While some would say Immigration Court is a civil court, rarely are non-immigration civil infractions handled by detention. Many immigrant families are made up of mixed-status households, meaning the children may be documented or born here but the parents are not. If the parents are detained, this affects the entire household and adds to our state’s poverty rates and to having more children living in poverty.

Approximately 530 residents of Maryland need representation annually. They sit in jails while their families suffer the loss of income and their presence. These jails are generally far away from where they live. Many of these people have the right to remain in the United States. However, multiple studies show that without a lawyer due process is unlikely.

Additionally, the racial impact is profound. Most detained immigrants are people of color. Many are Latino and, increasingly, Black immigrants from the African continent and the Caribbean. Vera Institute for Justice found that “Black immigrants and other overpoliced immigrants of color are at higher risk of deportation as



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

a result of any law enforcement contact, even if they are never charged with or convicted of a crime." As a result, a Black immigrant, and other immigrants of color with no criminal background are very likely to be detained; and without counsel are likely to be deported. According to Vera, *"two in three people in the United States - 67 percent - support government-funded representation for immigrants facing deportation, including 67 percent of likely voters, 80 percent of Democrats, a majority of Republicans, and 66 percent of people who do not identify with either party."*

Furthermore, there are more than 40 jurisdictions that have this kind of program, including NY and California. In our area, Prince George's County, DC, Baltimore, and Fairfax County have similar programs. We should do the same and make this program statewide, so that we can positively impact more people. We should have uniformity in legal rights of our immigrant population, especially since they represent over 30% of Montgomery County's residents, far above the national average!

**Therefore, we respectfully ask for your support for SB0129 and strongly urge a favorable Committee report.**

Respectfully,

Leslie Milano  
President

**BaltimoreCounty\_FAV\_SB0129.pdf**

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

JOEL N. BELLER  
*Acting Director of Government Affairs*

JOSHUA M. GREENBERG  
*Associate Director of Government Affairs*

MIA R. GOGEL  
*Associate Director of Government Affairs*

**BILL NO.:** SB 129

**TITLE:** Access to Counsel in Immigration Proceedings Program

**SPONSOR:** Senator Hettleman

**COMMITTEE:** Judicial Proceedings

**POSITION:** **SUPPORT**

**DATE:** February 3, 2022

Baltimore County **SUPPORTS** Senate Bill 129 – Access to Counsel in Immigration Proceedings Program. This legislation would ensure that immigrants who are subject to removal from the United States are provided with legal representation in certain cases and create a fund to establish this program.

The Covid-19 pandemic has had a tremendous impact on immigrant communities across the state. The inaccessibility of financial and legal resources, along with language barriers, has made life extremely difficult for many immigrants during an already challenging time. Realizing this challenge, Baltimore County Executive John Olszewski created the county’s first immigration affairs coordinator position in the Office of Community Engagement. The role was recently filled by Giuliana Valencia-Banks. Since taking this position, Ms. Valencia-Banks has helped the county provide essential assistance to our immigrant population.

Creating a system in which immigrants have access to legal representation across the state would ease some of the hardships faced by this community. Under this bill, immigrants who are detained and subject to removal from the state would be provided legal counsel. SB 129 helps to ensure that all those living in Maryland are afforded the same legal rights regardless of immigration status.

Accordingly, Baltimore County requests a **FAVORABLE** report on Senate Bill 129, Access to Counsel in Immigration Proceedings Program. For more information, please contact Joel Beller, Acting Director of Government Affairs at [jbeller@baltimorecountymd.gov](mailto:jbeller@baltimorecountymd.gov).

**SB129 SDMV fav.pdf**

Uploaded by: John Payne

Position: FAV



## **SB 129/HB 114 - SUPPORT**

John Payne - Liaison

Sanctuary DMV

john.howard.payne@gmail.com 202-907-5794

### **SB 129-SUPPORT**

#### **Access to Counsel in Immigration Proceedings Program**

Senate Judicial Proceedings Committee/House Judiciary Committee

February 3, 2022

Dear Chair Smith and members of the Judicial Proceedings Committee,

My name is John Payne and I am a core organizer with Sanctuary DMV and I am here today to express our support for SB 129. Sanctuary DMV supports and works with immigrants and immigrant communities through the Maryland, DC, and Virginia area. We are an entirely volunteer organization dedicated to helping immigrants and immigrant communities build power, standing with individuals and their families through immigration legal proceedings, and advocating for legislation that will ensure immigrants are treated justly and with the dignity and respect they deserve.

Sanctuary DMV believes that all people should receive equal and just treatment under the law and that our immigrant neighbors deserve to be part of a fair justice system that does not discriminate against them or put them in danger from being separated from their friends and family. It is these principals along with our experience supporting individuals in immigration proceedings that bring me here to support this bill.

Through our work, we have supported several individuals fight their cases from immigration detention and we have seen how zealous legal representation can make or break a case. For example, in 2020, a Maryland resident we accompanied to an ICE check-in was abruptly detained at the ICE office and told he was going to be summarily deported. Time being of the essence, we immediately contacted Capital Area Immigrants' Rights Coalition (CAIR Coalition) to find legal representation for the man, while also reaching out to local Congressmembers and ICE officials to request that ICE delay his deportation pending pursual of legal relief. Thanks to a joint effort between CAIR Coalition, Sanctuary DMV, and other volunteers, we quickly secured pro bono legal representation for the man, who was able to win release from detention, return to his wife and children, and continue fighting his case from outside detention.

Unfortunately, this example is the exception in Maryland and far from the rule. Too often, Maryland residents do not happen to live in local jurisdictions with an access to counsel in immigration proceedings program and are forced to fight their cases alone. In fact, 81% of detained immigrants in Maryland have no legal representation. For each rare success story, Sanctuary DMV has seen other individuals spend months or even years in immigration detention without representation. Some of these individuals were eventually deported, permanently tearing them away from their family and friends. Additionally, these long periods of detention without representation are particularly concerning during the COVID-19 pandemic. Even as we see numbers from the Omicron variant fall, we continue to see deaths in detention centers across the DMV region.



**SB 129/HB 114 - SUPPORT**

John Payne - Liaison

Sanctuary DMV

john.howard.payne@gmail.com 202-907-5794

Every time an individual is detained or deported here in Maryland, communities are shattered, families are separated, and we lose another one of our neighbors. Access to counsel in immigration proceedings is one of the best ways Maryland can fight back against detention and deportation, ensuring that families stay together and that our criminal justice system treats all of our residents with dignity and fairness.

Sanctuary DMV urges a favorable report on SB 129.



**NCCRC testimony for SB 129.pdf**

Uploaded by: John Pollock

Position: FAV



## **Written Testimony Supporting Senate Bill 129, Access to Counsel in Immigration Proceedings Program**

To Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

On behalf of the National Coalition for a Civil Right to Counsel (NCCRC),<sup>1</sup> I am pleased to submit this testimony in support of SB 129. Maryland should take this opportunity to join this wave and ensure that its residents do not face deportation and all its collateral consequence without being provided counsel. And it should not consider the 2021 passage of HB 18, which provides a right to counsel for tenants facing eviction, to be a barrier to passage of SB 129: both immigration and eviction matters gravely damage Maryland families and the state as a whole.

There are numerous reasons why SB 129 is essential and would further justice in Maryland. Immigration proceedings potentially impact every essential human need a person or family can have: physical liberty, child custody, physical and mental health, education, and so on. Yet few are able to find counsel on their own. Moreover, a [Pennsylvania study](#) found unrepresented immigrants are four times less likely to seek relief than those with counsel, while a [study by the American Immigration Council](#) found that among those without counsel, detained immigrants are half as likely as non-detained immigrants to seek relief.

There is ample data regarding the dramatic impact of counsel in such proceedings. The latest data from the [Vera Institute](#) found that immigrants with counsel are 3.5 times more likely to obtain bond and 10 times more likely to establish their right to remain than those without counsel. Additionally, a comprehensive [study](#) by UCLA Professor Ingrid Eagly and Steven Shafer of over 1 million immigration cases found that “the odds are 15 times greater that an immigrant with representation, as compared to one without, sought relief, and 5.5 times greater that they obtained relief from removal.” And a [study](#) by the American Immigration Council found that represented immigrants are 4 times more likely to be released from detention and significantly more likely to obtain the relief sought (two times more likely if detained, five times more likely if not). This impact is unsurprising given that immigration matters have often been identified as second only to the tax code in complexity.

The state stands to benefit significantly from a right to counsel: a [New Jersey study](#) found that:

- New Jersey employers pay \$5.9 million in turnover-related costs annually as they are forced to replace detained or deported employees;

---

<sup>1</sup> The NCCRC, a project of the Public Justice Center, works to establish the right to counsel in civil cases involving basic human needs (such as immigration removal proceedings) by supporting litigation, legislation, research support, and public advocacy/education across the country. The NCCRC has over 600 participants and partners in 41 states, including many in Maryland.

- New Jersey’s economy would lose \$18 million in wages and \$1.6 million in total tax revenue annually from detained immigrants.
- Annually, detentions and deportations cost New Jersey approximately \$732,000 in child health insurance and \$203,000 in foster care for children of detained or deported parents. This total annual cost of nearly \$1 million does not include the long-term costs associated with child trauma, development, and health conditions from deporting their parents.

And the Eagly/Shafer study found that “involvement of counsel was associated with certain gains in court efficiency: represented respondents did not use valuable court and detention time to seek counsel, they were more likely to be released from custody, and, once released, were more likely to appear at their future deportation hearings.”

In recognition of all of this, cities and states around the country have joined Vera’s [SAFE Network](#) and began providing public funding for immigration representation, while [New York City](#) has been providing universal immigration representation for some time. Additionally there have been a number of federal bills filed to provide a right to counsel for vulnerable immigrants in removal proceedings.<sup>2</sup> Maryland needs to act to join this wave.

We appreciate this opportunity to provide additional national perspective on the issue and hope the Committee will support this important bill.

Sincerely,



John Pollock

Coordinator, NCCRC

---

<sup>2</sup> We have all the federal bills tracked at [http://civilrighttocounsel.org/legislative\\_developments/20212022\\_bills](http://civilrighttocounsel.org/legislative_developments/20212022_bills).

# **SB 129 - Access to Counsel in Immigration Court.pdf**

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 40. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

**Karen Mejia\_FAV\_SB129.pdf**

Uploaded by: Jorge Benitez-Perez

Position: FAV

Testimony in SUPPORT of SB129  
Access to Counsel in Immigration Proceedings  
Judicial Proceedings Committee  
Karen Mejia, Riverdale Councilmember, Ward 5

January 31, 2022

Dear Chair Smith and Members of the Committee:

My name is Karen Mejia and I am proud to represent ward 5 of Riverdale Park on the Riverdale Council. I am here today to share my personal connection with this bill - and to ask my fellow policy makers on the state level: get the job done! It's time to get lawyers to our friends and neighbors suffering in ICE detention! It's time for Access to Counsel in Immigration Proceedings!

And that's what I want to share with you today. My story. Why legal representation for immigrants facing deportation is close to my heart.

My brother was deported in 2019. Like hundreds of immigrant families, my own family was separated due to the unjust and unfair immigration system here in the United States. My brother Hector, means the world to me. It breaks my heart every day that he was forced to leave his 6 year old daughter, my niece, Eliza without a father to raise her. It's the children that suffer the most.

When he faced deportation, we did everything we could to get him a lawyer. We have to pay out of pocket for a private attorney. The lawyer ended up charging two thousand dollars, just for an intake. A short conversation about three minutes long. If that question was two thousand dollars, just imagine how much the entire case would be. We had no money. We couldn't move forward with a lawyer because we couldn't afford it.

My brother was just as much of a Marylander than any other person. He worked hard, took care of his family, and called Maryland his home. The two of us came here to the United States seeking a better life, fleeing gang violence and threats made towards our family. He didn't deserve to be deported. If we had a lawyer, it could have changed everything.

Now, I am doing everything in my power on the local level - but we need statewide legislators to step up. We have got to work together on the federal, state and local level. We have to fight ICE and provide these protections at every level of government.

In Riverdale Park, we have made sure immigrants are active members of our community in all ways by passing a Trust Act to ensure they don't fear contact with our police. We have passed voter expansion so that each resident in our city can participate and have their voice heard. It is time for Maryland to continue paving the way for what our country should look like. I'm proud to see that Dignity Not Detention has passed. Now we have to make sure that the remaining

Marylanders in detention have lawyers. We need to pass Access to Counsel in Immigration Proceedings.

I miss my brother every day and I know my niece misses her father. Many children are out there missing their Fathers, Mothers, Uncles, Aunts, Brothers, Sisters and the list goes on. Do not let our children continue being part of this horrible statistic. I will continue doing my part in Riverdale Park and I'm excited to work with every single legislator in the county to get this done.



**Maria Rivas\_FAV\_SB129.pdf**

Uploaded by: Jorge Benitez-Perez

Position: FAV

## **HB114/SB129 – Access to Counsel in Immigration Proceedings**

### **POSITION: SUPPORT**

#### **Maria Rivas, Prince George's County**

My name is Maria Rivas. I live in PG County for the past 20 years of my life. I own a house and pay taxes and have kids in school. I consider myself and family to be a part of the PG/Maryland community. We always respect the law and try to do our best not only for us but for our kids to be good citizens. And I truly believe that we deserve the same respect and human rights that any other community member deserves. Reality shows different because back in May 2019 ICE presented themselves at our home before 6 AM threatening to arrest my husband in front of my kids and threatening to take my stepson if I don't give information about one of my brothers who, by the way, has never committed a crime. They did not have any reason to show such force. A month after the incident ICE arrested not only one but two of my brothers!

One of them had an order of removal but the other one was arrested simply as a result of racial profiling. There is no other explanation for his arrest. The whole episode has been heartbreaking for my entire family because it is very hard to understand why they are in jail with no one committing any fault. My brothers are two young adults who together with me are obedient to the law. Having a loved one in detention is truly a nightmare. During their procedures, I learned that as an immigrant my human rights don't count. That ICE doesn't need to have a valid reason or have to be accountable for those people they detain, incarcerate and deport.

Once in the detention center you need money in order to have access to the outside world and it is very hard to navigate the system with the lack of English. Without money, you cannot get a lawyer. And without a lawyer, it is almost impossible to win your case. I understand the need of law enforcement if it is done with justice and the purpose of keeping our communities safe. I don't agree to feel afraid and persecuted and to be profiled just because I have a different skin color. After our ordeal, I cannot promise my kids that they will not be treated as criminals because they look like me and my siblings.

We need to take steps in order to have a better system of laws for immigrants. Detention is inhumane, and it tears families apart. When someone is detained, it is so important that they can have a lawyer to help them fight their case. It is almost impossible to afford an immigration lawyer for someone who is detained or for their family members. But the stakes are so high, that it could not be more important to have access to representation. That is why we need to ensure that every Marylander who is detained, can be represented by a lawyer, no matter how much money they have or don't have. That is why we need to pass Access to Counsel in Immigration Proceedings.

**Maria Rodesno\_FAV\_SB129.pdf**

Uploaded by: Jorge Benitez-Perez

Position: FAV

**Maria Rodesno**

**Testimony in SUPPORT of SB0129/HB0114**

Access to Counsel in Immigration Proceedings Program  
Judicial Proceedings Committee / Judiciary Committee

January 31, 2022

Dear Chairman Clippinger and Members of the Committee,

My name is Maria Rodesno and I have lived in this country since 2014. I am writing this letter to testify in support of this important bill, Access to Counsel in Immigration Proceedings.

On June 19, 2018, my husband was detained by ICE agents while he was on his way to work. I found out because my brother-in-law called me on the phone and told me that my husband did not reach him. They usually went to work together every day. Then became hours of anguish because I began to walk down the street and that's when I found his car parked sitting there with the food that I prepared for him and everything.

I called the police and they told me that they were not holding him. I searched with immigration and learned that he was detained. At this time, I had the support of CASA, whom I thank. I had to get a lawyer, but it was very difficult because I had to borrow money and work night and day to pay it. It took us more than two years before we finished paying the attorney.

My husband was detained for 10 months. They were very sad times for our family. My 3, 7, 11, 17 and 19-year-old daughters were always crying. There were days we went to see him in jail and they wouldn't let us see him. We saw him in court and they wouldn't let us touch each other, hug each other. It was very hard for him and for us.

We had the blessing of God that he stayed here, but I know many people who did not have the money or the information to stop getting deported. ICE destroyed families. I ask that you pass this law to prevent more families from being divided. Having access to representation when you are detained means that people stand a chance at staying here. Without a lawyer, it is almost impossible to win your case.

My family and I are here because of the violence in Honduras. My family and I cannot return to our country because that would be death. I was able to get a lawyer, but many people in detention do not have lawyers to help them. They are in detention without committing any violent crime, without money for a lawyer, while the county makes money off of them. It's wrong.

Please pass Access to Counsel in Immigration Proceedings, HB0114.

Maria Rodesno



**Nolvin Chavez\_FAV\_SB129.pdf**

Uploaded by: Jorge Benitez-Perez

Position: FAV

## **Access to Counsel in Immigration Proceedings HB114/SB129**

**Nolvin Chavez**

### **POSITION: SUPPORT**

Hello good evening Delegates and Senators from the state of Maryland. My name is Nolvin Chavez and I live in Howard County. I am here to ask you to please vote for the Access to Counsel in Immigration Proceedings Program. I will tell you a little about the experience that I had. I was separated from my family when we crossed the border into this country and encountered immigration officials. From that moment they separated my wife and my daughter who was only 2 years old. Ever since we set foot in immigration, that was the last time I saw the two of them. Both, my wife and my daughter were processed in 12 days and then they were released, but I was detained and in order to stay with my family, I fought my asylum case. Unfortunately, they denied me everything and they put me in a deportation case, I was in Texas for about a week because I was transferred to Georgia, where I continued to fight my asylum case. My experiences in those detentions were very cruel, like psychological abuse for not speaking the language and because of the color of my skin, the food I received in that place was terrible, an animal was fed better than a person in those detentions, so one got sick and asked for help was bad or simply was not attended.

For my part, I don't want anyone to suffer what my family and I suffered, a forced separation for a year and a half. Despite the fact that I strongly fought my asylum case after 7 months I was deported to my country. When I returned here to the United States, a year and a half had already passed without seeing my wife and daughter. Can you imagine that valuable time lost from watching my daughter grow up?

I don't think it's fair for a human being to treat another human being the way I was treated, I felt treated worse than an animal, despite the mistreatment, the worst thing was living apart from my family and I don't want other families go through that.

When somebody is in detention, they need a lawyer in order to get out. It is impossible to fight your case without representation. But too many people cannot afford representation. That is why we need to pass Access to Counsel in Immigration Proceedings. Because obviously nobody wants to be separated from their family, as I experienced it.

Ladies and gentlemen, Delegates and Senators, I want to ask you to just think and put yourself in the place of the families that have suffered these resounding separations, just thinking about it would move your heart, let alone living it in your own flesh. Please vote for the Access to Counsel in Immigration Proceedings Program and thank you very much for your attention.





**Willians Sanchez\_\_FAV\_SB129.pdf**

Uploaded by: Jorge Benitez-Perez

Position: FAV

**Willians Sanchez HB0114/SB129**  
**Access to Counsel in Immigration Proceedings**  
**FAVORABLE**

Good evening. My name is Willians Sanchez. I am from Mexico. I came to the United States when I was 18 years old to live with my mother. I have been living in Annapolis and working in construction and as an electrician for 14 years. Now, I have my family. My little daughter, Stefanie, was born here. My daughter is my motivation and the person that keeps me going.

I went through a very difficult time when I was separated from my daughter (when she was only a few months old) when I was detained by immigration. Thanks to my mom (who struggled a lot to raise the money) I was able to get a lawyer who helped me secure a protected status here and be in my daughter's life. Without a lawyer, I don't know what I would have done.

My story started on May 9, 2010. I went to my job at McDonald's and in a few hours the police arrived. They asked me my name. I said my name was Willians - and then they immediately arrested me and took me outside. They took me to an unknown house where they held me until immigration came. At first, I felt confident and safe because I knew that I had not committed a crime. I hadn't even received a traffic ticket. But when I saw immigration, I was so afraid that they were going to deport me and separate me from my family.

When immigration stopped me, I suffered a lot. It was the separation of my family - especially my baby daughter. It was being treated like a criminal. It was the worry of losing my job and not having the money to support my daughter and having the money to pay for a lawyer and immigration procedures.

While I was in detention, immigration agents frequently visited me, urging me to sign my deportation, telling me that if I signed my voluntary deportation, I would not have to suffer anymore. But I wanted to fight my case to be with my daughter.

I spent a little over a month in detention when my mom helped me to get a lawyer with borrowed money. The cost in total was almost \$11,000. When I managed to speak to my

lawyer, I realized that the Annapolis police were accusing me of being a part of a gang without any evidence. Thanks to the lawyer, I got out of detention and was able to get protected status so that I could stay here with my wife and daughter.

No families should have to go through this situation. Immigrants in detention should have the right to have a free public immigration lawyer. Your life shouldn't depend on how much money you have. There are many injustices and traps in the system and without a lawyer, vulnerable and poor people do not have the opportunity to defend themselves.

Please, legislators, support the proposal of Access to Counsel so that immigrants in Maryland have the right to defense in freedom and do not suffer the economic impact - in addition to the sadness of having a loved one in a cruel process. Thanks a lot.

# **SB129\_Jose A.\_Fav.pdf**

Uploaded by: Jose Amaya

Position: FAV

SB 129– FAVORABLE  
Jose Amaya

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Jose and I am a resident of Hyattsville, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I work in construction and I have two children. I have lived in Maryland for 8 years.

I was held by ICE in a detention center for 6 months. It was a very difficult experience for me. I couldn't be with my kids and do my job as a father and protect them. I couldn't afford a lawyer because I had to use the little money I had to support my kids. I didn't understand what was going on with my case, and I thought I was going to be deported. I had given up hope.

Thankfully, I received free legal representation with Prince George's ISLA program. My lawyer showed me how the laws protected me and I was able to fight my case. I won and was reunited with my family.

The immigration system is set to deport people. Without a lawyer, a detainee will be deported because they do not understand the laws. In detention, they treat you like you're nothing and it's impossible to understand your case. It's not fair for people to be separated from their families because they can't afford a lawyer.

I am very grateful that I can work for a better future for my children. I wish all immigrants detained in Maryland had the same opportunity. Thank you.

I urge a favorable report on SB 129.

# **SB129\_Jose M.\_Fav.pdf**

Uploaded by: Jose Maldonado

Position: FAV

SB 129– FAVORABLE  
Jose M,

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Jose and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I have three children ages 5, 10, and 12. I am married and I work as an electrician.

I came to the United States because my family was being threatened. Our lives were in danger and the police weren't doing anything to protect us, so we fled to the United States.

I was detained by ICE in December of 2019. I thought I had applied for asylum a year before, because I had paid an attorney a lot of money to do so, but they only took my money and did not apply.

When I was detained by ICE, it was really difficult. I was constantly afraid that I was going to be deported. The first time I presented myself in court, I was by myself and did not know what was going on. It was very hard to be apart from my children; they are the most important thing in the world to me. I was so scared. I did not speak English. I did not know what was happening.

I found the number to CAIR Coalition in the detention center and called. I did not understand anything until my new lawyer began explaining everything to me. She gave me hope. My attorney handled all the paperwork. She knew everything we needed to do. Truthfully, she worked so hard for me. She worked with my family and walked us through everything. The lawyer that I had been struggling to pay before hadn't done anything to help me. But this attorney was free and she was working very hard for me. She was able to help me win asylum. Without a lawyer, I would have been deported and would have been separated from my family. I believe that I would have been killed.

People in these positions need lawyers who will actually help them and who won't just take advantage of them. They handle everything that we could not do on our own. My family was struggling so much already because I could not work to support them. Having free representation removed a burden from us. For many families, it is the same.

With the help of God, and an attorney, people can overcome some of their most difficult moments. Our countries have so much violence and pain. We need lawyers to defend us and save our lives. I urge a favorable report on SB 129.

**SB129\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV





# 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 <sup>i</sup>. 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. <sup>ii</sup>

**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.**

---

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

<sup>ii</sup> 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>

**SB129 D4CC fav.pdf**

Uploaded by: Kate Sugarman

Position: FAV



## **SB 129/HB 114 – SUPPORT**

Kate Sugarman  
Doctors for Camp Closures, Maryland  
katesugarman@hotmail.com  
301-343-5724

### **SB 129/HB 114- SUPPORT**

#### **Access to Counsel in Immigration Proceedings Program**

Senate Judicial Proceedings Committee

February 3, 2022

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

The Maryland Chapter of Doctors for Camp Closure strongly supports Access to Counsel SB 129/HB 114. We are part of the national Doctors for Camp Closure organization which is a non-partisan organization of over 2,200 physicians and health care professionals from all specialties who oppose inhumane detention of migrants and refugees who are attempting to enter the United States of America.

We know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. We have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families.

For this reason, it is critical that all detained immigrants be provided with free legal counsel. This will dramatically increase that chance that they are released and can be reunified with their families and loved ones.

This issue has taken on a heightened sense of urgency because of the continued pandemic. Serious illnesses and deaths due to COVID continue to rise inside the prisons and detention centers even under the Omicron variant, not only for the detained immigrant but also for the staff at these facilities. All of these deaths are preventable and would not happen were these detention centers to close down.

We are part of a national network where we write medical affidavits on behalf of detained immigrants. We review detention medical records and interview the detained immigrants. Many times they receive medical care that is substandard and often are denied lifesaving medical care. As more and more detainees get sick from COVID, we hear more and more frequently how detainees coughing, burning with fever and vomiting, simply do not receive medical care at all.

In addition, family members suffer when their fathers and husbands are picked up by ICE and locked up out of reach from their family members. Families lose their wage earners and children lose their fathers. These children can no longer concentrate in school and suffer a host of psychological consequences.

We urge the passage of Access to Counsel so that families can stay together and be healthy together.

D4CC urges a favorable report on SB 129/HB 114.

**SB129-support.pdf**

Uploaded by: Laura Atwood

Position: FAV

**SB129 – SUPPORT**

**Laura Atwood**

**8408 Park Crest Dr.**

**Silver Spring, MD 20910**

**[laura\\_a79@hotmail.com](mailto:laura_a79@hotmail.com); 301-587-3876**

**SB129 – SUPPORT**

**Access to Counsel in Immigration Proceedings Program**

Senate Judicial Proceedings Committee

February 3, 2022

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee:

My name is Laura Atwood. I have lived in Maryland (D20) since 1999, and while I am active in a number of local organizations, I am writing today as an individual in SUPPORT of SB129.

I'm aware that this is an election year, yet I still expect the legislature to move forward with strong commitment to Maryland residents who cannot afford to wait for justice.

I was so proud of your role in getting the groundbreaking bill, Dignity Not Detention, passed last year. Shrinking the supply of local beds (ICE loves to fill a vacuum...), and refusing to be complicit in a system of suffering, are moves to be deeply proud of.

Yet this bill did leave a gap, and SB129 would close that gap. To all those Republicans who professed concern about immigrants' well-being—"But how could we possibly take people farther from their lawyers?!"—here is the answer: SB129. We know that a small percentage of people detained on immigration charges have had lawyers to begin with, and they have fared much better than their counterparts without lawyers. We also know that even before DND passed, ICE transferred people regularly, so residents of other states were detained in Maryland, and vice versa.

But: Yes, what about those Maryland residents who are detained in other states? The number is expected to be lower than before (again, related to supply & demand of ICE beds), but these are human beings who shouldn't suffer unintended consequences, a type of collateral damage. SB129 would still protect these residents, now to be detained in other states.

Furthermore, SB129 fills a gap in our society's spirit of access to counsel; people facing criminal charges, who cannot afford a lawyer, are entitled to a public defender. The consequences of deportation are severe—we know that too often, deportation is family separation and/or a death sentence. The criminal legal system and immigration enforcement have become so enmeshed; it honestly seems like a no-brainer that people who are detained and facing deportation should be entitled to legal representation.

Please continue to do what is deeply right. I urge a favorable report on SB129.

**SB129\_Lauren\_Fav.pdf**

Uploaded by: Lauren Renee

Position: FAV

SB 129– FAVORABLE  
Lauren Renee

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Lauren Renee and I am a resident of Baltimore, Maryland. As the wife of a former client of Capital Area Immigrants' Rights (CAIR) Coalition I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

My husband and I have been together for fifteen years. I am a U.S. Citizen and so are our four children. We were never clear about immigration laws and when we tried to get help from lawyers we found, they took our money and didn't do anything.

When my husband was detained by ICE in 2019, it was very difficult for my family. The kids were so upset because they didn't have a father. I had not worked a job in years, because I was the one who was taking care of the kids. To keep us financially afloat, I had to find a job during the night.

Our kids were very sad during that time. I would get messages all the time from their teachers about how they were struggling in school. Our children saw him be detained and thrown on the ground by ICE. I know this affected them a lot.

I stayed up at night during that time. I was so afraid that we were going to lose my husband and their father. Having a lawyer made a huge difference. We didn't know anything about law, especially immigration law. The attorney was a huge help. We couldn't afford a lawyer, so it meant a lot that it was free. She would reassure me and keep me updated on his case and tell me what was the best chance to get him home.

People in these situations do not know immigration law and everything that you have to do. You need a lawyer. Even though they do not give you one, you need one. Especially if you do not speak the language. You can't find out information and are left in the dark.

I urge a favorable report on SB 129.



**SB 129\_MoCo\_Frey\_FAV.pdf**

Uploaded by: Leslie Frey

Position: FAV



# Montgomery County

## Office of Intergovernmental Relations

---

**ROCKVILLE: 240-777-6550**

**ANNAPOLIS: 240-777-8270**

---

**SB 129**

**DATE: February 3, 2022**

**SPONSOR: Senators Hettleman and Waldstreicher**

**ASSIGNED TO: Judicial Proceedings**

**CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)**

**POSITION: SUPPORT**

---

### **Access to Counsel in Immigration Proceedings Program**

Senate Bill 129 would enable low-income Maryland residents who are in detention and facing an administrative or judicial proceeding to remove them from the United States to access legal representation. The legal representation would be provided by non-profit organizations contracted with the Maryland Legal Services Corporation and would be funded by an \$8M appropriation in the state budget. SB 129 provides for outreach and education related to immigrants' rights to be conducted by community groups.

Montgomery County strongly supports Senate Bill 129 as it closely aligns with current programming funded by the County to provide legal representation for County residents in deportation or removal proceedings. Montgomery County funds nearly \$1M annually for legal representation for residents facing deportation or removal. Many of these residents are children who arrive in Maryland unaccompanied by family members or other adults. Currently, the United States is expecting a 20-year high in the number of unaccompanied migrant and asylum-seeking children approaching the border. According to the federal Office of Refugee Resettlement, 1,045 unaccompanied children have been released to sponsors in Montgomery County between October 2020 and August 2021. Prince George's County received 1,439 unaccompanied children during the same period. Between 2014-2021, Prince George's County and Montgomery County were the 6th and 11th highest-receiving counties in the nation, respectively, for unaccompanied children released to sponsors. These young people are fleeing high levels of violence, crime, natural disasters, the effects of climate change, food insecurity, and poverty. However, it is important to note that not all immigrants qualify as refugees or asylees under federal law, which highlights the disparities in services and benefits immigrants will receive based on their legal status, although the underlying conditions that led them to flee to the United States are strikingly similar. Access to legal counsel, as provided for in Senate Bill 129, is critical for immigrants to secure legal status to remain in the United States and to access federal and state supports to ensure their successful welcoming into our schools, communities, and workforce.

Montgomery County respectfully urges the Committee issue a favorable report.

# **SB129 Access to Counsel - JVCC Written Testimony .**

Uploaded by: Lila Meadows

Position: FAV

**To: Senate Judicial Proceedings Committee**

**From: Justice for Victims of Crime Clinic, University of Maryland School of Law, 500 W. Baltimore Street Baltimore, Maryland 21201**

**Re: In SUPPORT of Senate Bill 129**

**Date: February 1, 2022**

### **Testimony in Support of Senate Bill 129**

Senate Bill 129 will establish the right to counsel for immigrants currently in deportation proceedings in Maryland. This legislation extends due process protections to vulnerable members of Maryland's community, including immigrants who are victims of crime. Because our current system does not provide the right to counsel in deportation proceedings, many immigrants, including those who have been trafficked to the United States or have experienced other types of violence, who may have a legal basis to remain in the United States, are deported simply because they can't afford an attorney to help them navigate particularly complex immigration proceedings.

The right to counsel, as afforded under the U.S. Constitution's Sixth Amendment, only applies in criminal proceedings. Because immigration cases are civil proceedings, immigrants facing deportation are not extended the right to counsel, despite the high stakes involved in removal proceedings—including permanent separation from family and commonly, life-threatening risks in their home countries. The consequences of a ruling from an immigration court is arguably as serious as those at issue in criminal proceedings.

Legal representation helps ensure due process in immigration court. Many people in deportation proceedings have valid legal claims to remain in the United States but cannot argue their cases effectively for themselves absent legal expertise. Lawyers are especially critical in cases where immigrants are detained until the final outcome of their case. The physical constraints associated with detention mean unrepresented people face serious obstacles in obtaining even the most basic evidence and paperwork they need to substantiate their legal claims.

The Justice for Victims of Crime Clinic represents several clients seeking status in the United States based on their own victimization. United States law recognizes that we have an obligation to protect immigrants who are victims of trafficking and/or certain crimes of violence once they arrive here, regardless of their initial immigration status. Providing a pathway to legal status not only protects victims of crime, but it encourages them to cooperate with authorities in the prosecution of individuals who pose a danger to our community. The United States has recognized the importance of assisting victims of trafficking and other crimes by creating the T and U visa processes, respectively. Illegal entry into the United States and pending deportation proceedings do not bar individuals from applying for a T or U visa. Unfortunately, many individuals who may be eligible for this type of relief do not know that the law may provide a pathway to adjust their immigration status or provide a defense in active deportation proceedings. Our clinic has provided critical assistance to victims by assisting with T visa applications, U visa applications, and closing deportation proceedings where the United States Citizen and Immigration Services has determined that our client may adjust her status through the T or U visa process.

While our clinic and other legal service providers in Maryland assist victims of crime with immigration proceedings, the need far outpaces our collective capacity. Ensuring a right to counsel in deportation proceedings would ensure that all immigrants are afforded the opportunity to be represented by counsel and receive adequate counseling regarding defenses to deportation and other pathways to remaining in the United States legally.

Providing counsel is not only consistent with due process principles, but also helps protect the community. Many immigrants who are in the United States unlawfully may be afraid to report their victimization to law enforcement for fear of immigration consequences. Providing an attorney to immigrants facing deportation will allow attorneys the opportunity to explain the benefits of cooperating with law enforcement in those types of cases. If immigrants are more likely to cooperate with law enforcement,

presumably more individuals who perpetrate crimes will be brought to justice, making our communities safer for everyone regardless of their immigration status.

Providing counsel to immigrants in deportation proceedings is also consistent with our obligations as parties to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol. Under these treaties, the United States may not return an individual to a country where he or she faces persecution from a government or a group the government is unable or unwilling to control based on race, religion, nationality, political opinion, or membership in a particular social group. A separate treaty, known as the Convention Against Torture prohibits the return of people to a country where there are substantial grounds to believe they may be tortured. It can be difficult to determine whether an individual has a valid claim for asylum or protection from torture without legal representation. To meet its protection obligations, the United States should ensure that immigrants are safe, have an understanding of their situation and their rights, and have adequate legal representation when they present their case to a judge.

Sadly, many immigrant victims of crime who face deportation without counsel are children. In 2019, more than 72,000 unaccompanied alien children (UAC) traveled to the U.S. without a parent or legal guardian.<sup>1</sup> Our federal, state and local governments, as well as nonprofit organizations, work to provide legal pro bono services to children who enter the U.S. illegally and are facing removal. Despite these efforts, it is estimated that 75% to 90% of children undergoing deportation proceedings do so without an attorney. This is especially troubling given that unaccompanied minors are especially vulnerable and that many are likely to qualify for relief to remain in the United States. Asylum seekers are at least three times more likely to win relief when represented.<sup>2</sup> Children with legal representation have obtained legal outcomes that allowed them to remain in the United States 70 percent of the time, compared to just 9 percent for children without representation.<sup>3</sup>

Our immigration laws are complex and most immigrants are unaware of provisions of the law that would protect them from deportation, making it extremely difficult to get a fair hearing without legal representation. While immigration proceedings are civil, the implications of rulings are among the most serious imaginable as they implicate safety and family unity. Providing due process protection is consistent with our existing legal obligations to these vulnerable individuals and is consistent with protecting victims and public safety at large. For all of these reasons, the Justice for Victims of Crime Clinic urges a favorable report on Senate Bill 129.

*This testimony is submitted on behalf of the Justice for Victims of Crime Clinic at the University of Maryland Carey School of Law and not on behalf of the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.*

---

<sup>1</sup> William A. Kandel “Unaccompanied Alien Children: An Overview,” Congressional Research Service, R43599, Version 26 (2019), <https://fas.org/sgp/crs/homesecc/R43599.pdf>

<sup>2</sup> Andrew I. Schoenholtz and Hamutal Bernstein “Improving Immigration Adjudications through Competent Counsel,” Georgetown Journal of Legal Ethics 21, no. 1 (2008), 55-60, 55, <https://perma.cc/A834-LCZH>.

<sup>3</sup> TRAC, “Juveniles—Immigration Court Deportation Proceedings,” accessed February 24, 2021, <http://trac.syr.edu/phptools/immigration/juvenile/>. Data covers all completed cases from fiscal year 2005 to September 2018.

# **SB 129 - Access to Counsel in Immigration Court.do**

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Judicial Proceedings Committee,

This testimony is being submitted by residents of District 46 who are also community leaders in Showing Up for Racial Justice Baltimore. SURJ is a group of community members supporting local groups working for greater racial justice in Baltimore and the State of Maryland. We are also working in collaboration with CASA de Maryland. We are testifying in **support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is often the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and have a chance to fairly address immigration proceedings lodged against them.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter. During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities.

SB 129 would ensure that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference. We already have infrastructure in place that would allow this program to be administered: the Maryland Legal Services Corporation, which has decades of experience coordinating legal representation and managing grant funding for civil legal services. The bill also provides for an annual appropriation to fund the program.

It is for these reasons that I am encouraging you to vote in support of SB 129. Thank you for your time, service, and consideration.

Sincerely,

**Lindsay Keipper**

**Lilly Chapa**

**Liz Simon-Higgs**

**Holly Powell**

**Christina Pham Linhoff**

**John Ford**

Showing Up for Racial Justice Baltimore

**WrittenTestimony.SB129.UniversalRep.2022.pdf**

Uploaded by: Lisa Dornell

Position: FAV



**TESTIMONY IN SUPPORT OF SENATE BILL 129**  
**Right to Counsel in Immigration Proceedings February**  
**2022**

**Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,**

I write to you to express my unequivocal support of SB 129, which ensures that all Maryland residents facing deportation have legal representation. I express my support as both a long-time Maryland resident (District 13) and, as a recently retired Immigration Judge who served for over 20 years.

All people in the United States are guaranteed by our Constitution the right to due process of law regardless of whether they are citizens or noncitizens. The process that is due to noncitizens who find themselves before an Immigration Court is set forth in the federal immigration statute. However, unlike laws that provide for the appointment of legal counsel for criminal defendants, the immigration statute does not provide for appointed counsel for those in immigration court proceedings. While immigration proceedings are correctly characterized as being civil in nature, the consequences for those in such proceedings can be just as serious as the consequences for a criminal defendant: potential separation from family and community – in the case of a noncitizen, perhaps for life.

Yet noncitizens without legal representation find themselves in this position every day. No person should be denied access to justice simply because they are poor. The only way to ensure that noncitizens are afforded due process in immigration proceedings is to provide them with competent legal representation. Without representation, there is simply no other way a noncitizen can effectively navigate an extremely complicated legal specialty that has been described by one federal court as being a “labyrinth” which is “second only to the Internal Revenue Code in complexity.”<sup>1</sup> Notably, one United States Supreme Court Justice has commented on the complexity and “intricacies” of immigration law noting that even some lawyers have difficulty navigating the system because as he observed, “. . . nothing is ever simple with immigration law. . . .”<sup>2</sup>

Impediments to due process begin even before first court appearances for those without legal counsel. It is important to note that all applications made to the Court, including applications for asylum, must be filled out in English. In addition, all foreign documents filed in support of those applications must be translated into English and must be accompanied by a specifically worded certification of translation. Applications that are not completed in English and documents that have

---

<sup>1</sup> *Castro-O’Ryan v. INS*, 847 F.2d 1307 (9th Cir. 1987).

<sup>2</sup> *Padilla v. Kentucky*, 559 U.S. 356 (2010)

not been translated and appropriately certified are not considered by the Court and are likely rejected as deficient filings before they are even presented to a judge. There is no requirement

---

that the government provide assistance to people who do not speak, read, or write English. Consequently, unrepresented noncitizens who are not fluent in English may not be able to access the assistance they need to pursue applications for relief. This is particularly the case when these individuals are detained.

Immigration Judges have a duty to inform noncitizens who appear without an attorney of “apparent eligibility” for relief, including the opportunity to apply for asylum if they express a fear of returning to their country.<sup>3</sup> Some Judges may seek input from the attorney for the Department of Homeland Security; the person who is fighting to remove the immigrant from this country, in order to identify any eligibility for relief from removal or to otherwise identify potential eligibility for legal immigration status. The government attorney’s role and mandate are completely inconsistent with that task. Despite a judge’s best efforts, without legal counsel, it is simply not possible to ensure that the immigrant has had all of the relevant facts about his or her case presented and that all legal defenses to removal have been explored, explained, and understood. Judges can advise but they cannot advocate.

I know from my experience that it is simply not possible that people appearing before judges without counsel have the same chance of relief as those appearing with counsel. National studies have borne this out; people with representation are 10.5 times more likely to be successful in their immigration court cases than unrepresented people<sup>4</sup>. I also know that my courtroom ran more efficiently when all parties were represented; applications and other documents were properly filed; relevant facts and arguments were presented by both parties; requests to delay hearings decreased. I can state unequivocally that the presence of competent counsel representing *both* parties yielded better decisions and more efficient and just outcomes.

To ensure due process, all immigrants should have access to counsel, including those who have a history with the criminal justice system. Facts bear out the increasing criminalization of immigration over the years and the increased popularity of scapegoating, disparaging and demonizing immigrant populations. This trend, combined with the sad fact that people of color have been historically over-policed and prosecuted in this country means that Black and brown noncitizens find themselves disproportionately subjected to immigration proceedings for even minor criminal offenses. This painful legacy of injustices, including racial profiling, has led to the unfair and uneven enforcement of our nation’s immigration laws. As a result, for many of these people, the prospect of deportation from the United States is a real possibility because the criminal justice system has acted, for years, as a direct funnel to the immigration system.<sup>3</sup>

It must be emphasized that not everyone who is placed in immigration court proceedings is eligible for relief from deportation such that concerns over providing criminal immigration violators

---

<sup>3</sup> Tanvi Misra, *The Rise of ‘Crimmigration’: Law Professor César García Hernández Talks About How America Built a Legal System that Targets Immigrants For Profit – and How to Take it Down*, BLOOMBERG CITYLAB, (Sep. 16, 2016, 2:01 PM), <https://www.bloomberg.com/news/articles/2016-09-16/c-sar-garc-a-hern-ndez-on-the-rise-of-crimmigration>.

with representation should not influence the decision to ensure due process of law by providing legal counsel for *all* noncitizens in immigration court proceedings. Denying the benefit of legal

---

<sup>3</sup> 8 C.F.R. § 1240.11(a)(2); 124011(c)

<sup>4</sup> Berberich et al., “Advancing Universal Representation: A Toolkit,” The Vera Institute of Justice, December 2018, available at: <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universalrepresentation-1>

counsel to those without criminal histories to ensure that those with criminal histories do not benefit is as unfair as it is misguided. Misguided because concerns over providing improper favor to those with criminal histories are mitigated by strict federal immigration laws which in most cases preclude relief for most felons and sometimes bar relief even for sympathetic applicants with minor criminal histories. Immigration Judges are in the best position to determine who is eligible and worthy of relief and can make the best and fairest decisions in a hearing where the level playing field guaranteed by the Constitution exists.

Why provide legal counsel even to those for whom there is no relief from deportation? In my experience, the presence of legal counsel in such cases has served to prevent delayed resolution of cases. This is because people who hear from their own, trusted advocate that there is no application that they can make and no avenue for them to remain in the United States are far more likely to understand and to accept this reality quickly and are therefore prepared to accept an order of removal and to waive their right to appeal.

We all benefit from a just system that preserves faith in our legal institutions. Ensuring due process for all is the right thing to do. The time to do it is now.

**SB 129 Testimony\_SR\_Favorable.pdf**

Uploaded by: Liz Enagonio

Position: FAV



## Indivisible: Central Maryland

**Susan Radke, Advocate**

[Dsusan56@gmail.com](mailto:Dsusan56@gmail.com)

**Liz Enagonio, Advocate**

[lenagonio@icloud.com](mailto:lenagonio@icloud.com)

### **SUPPORT SB 129**

#### **Access to Counsel in Immigration Proceedings**

**Bill Sponsors:** Senators Hettleman and Waldstreicher

**Committee** Judicial Proceedings

**Organization Submitting:** Indivisible Central Maryland

**Person Submitting:** Susan Radke, Lead Advocate

**Position:** FAVORABLE

My name is Susan Radke and I am a co-leader of Indivisible Central Maryland, a grassroots group of constituents living in Central Maryland counties who are dedicated to protecting progressive and democratic values. **Indivisible Central Maryland strongly supports SB 129**, which would establish legal representation administered by the Maryland Legal Services Corporation to provide access to legal representation to certain individuals undergoing immigration proceedings. I urge you to support this bill as it will provide asylum seekers and immigrants to legal representation in deportation hearings and allow for due process during these hearings.

Several members of Indivisible Central Maryland created a group of volunteers called Asylum Helpers. This group of amazing volunteers collect donations, groceries, baby formula, diapers, clothing, and have provided furniture for several asylum families living in Central Maryland. Volunteers also provide transportation to and from physician offices, ICE check-in's and are known to pay rent as well as utilities for families who arrive to the State of Maryland. Volunteers collected funds and also paid fees so immigrants could be released from detention. Asylum Helpers also work with several non-profit organizations to assist on immigration issues.

While we have expertise in fundraising for a limited number of families, what is most heartbreaking is witnessing the devastation that occurs when our immigrant families are unable to obtain legal counsel. Our asylee families do everything in their power to become documented, but cannot afford low bono, or full fees for immigration lawyers. These fees are astronomical not only for them, but also for the Asylum Helpers. Families become despondent and fear separation because they have no legal representation during detention hearings, or while waiting for a Master Hearing to determine if they can remain in the United States. A majority of the immigrants we serve work at least two jobs, contribute to their community, and pay taxes. Yet they are unable to obtain legal representation to become documented, and work towards becoming full United States citizens.

Having legal representation will increase the likelihood that asylum families and immigrants will win their cases while they are in detention. Indivisible Central Maryland and the Asylum Helpers strongly support SB 129 and request that the Senate vote to pass this legislation.

Susan Radke, lead advocate, on behalf of Indivisible Central Maryland and the Asylum Helpers

**Asylum Helpers**

Jenny Marie Brown  
Melissa Hook  
Trish McDonald

Crystal Shelley  
Susan O'Connor  
Meena Sahu

Meghan Maher  
Liz Enagonio

**SB0129\_Immigrant Access to Counsel\_Liz\_FAVORABLE.p**

Uploaded by: Liz Enagonio

Position: FAV



# Indivisible: Central Maryland

**Susan Radke, Lead Advocate**

[Dsusan56@gmail.com](mailto:Dsusan56@gmail.com)

**Liz Enagonio, Lead Advocate**

[lenagonio@icloud.com](mailto:lenagonio@icloud.com)

## TESTIMONY FOR SB0129

### Access to Counsel in Immigration Proceedings

**Bill Sponsor:** Senators Hettleman and Waldstreicher

**Committee:** Judicial Proceedings

**Organization Submitting:** Indivisible Central Maryland

**Person Submitting:** Liz Enagonio, Lead Advocate

**Position:** FAVORABLE

My name is Liz Enagonio, representing both myself and Indivisible Central Maryland, a grassroots organization of constituents dedicated to protecting progressive and democratic values. **Indivisible Central Maryland strongly supports SB 129uy, Access To Counsel.**

Members of Indivisible Central Maryland volunteer with Asylum Helpers, an all-volunteer group that helps newly-arrived asylee families. One of the greatest and most challenging needs we try to meet is legal counsel for family members facing deportation hearings. We have learned that there is almost no access to pro bono legal assistance for immigration cases. There are very limited openings for “low bono” attorneys, who typically charge somewhat less for their services as a way of providing community service. The costs we have been quoted for low bono services has ranged from \$5,000 to \$9,000 per case. Since we serve about a dozen families, we often need to find and pay for several attorneys at a time. We are expert fundraisers, but our donors are small-dollar donors, whose generosity and kindness far exceed their monetary capacity. Single donations are usually \$10 - \$50, with the occasional larger gift of \$100-\$200. As well as the financial difficulty, finding immigration attorneys to take these cases is difficult at best, and impossible at times.

Many of our families are of mixed status, with members who have been granted asylum, members who were born in the United States, and members who remain undocumented as they await a Master Hearing to determine whether they can remain here. These undocumented members can be mothers, fathers, or children who arrived separately from the family member who received asylum. They have reasonable cases for being granted asylum; however, when an immigrant goes to court without an attorney, they usually lose their case. National data shows that immigrants with lawyers are 10.5 times more likely to win their cases than those without lawyers, but 81% of detained immigrants in Maryland have no legal representation at any point



in their case. Only 7% of detained, non-represented immigrants in the Baltimore Immigration Court won their case. The damage to the individual and family when their family member is deported back to what is often a life-threatening situation is horrific. SB0129 would create a legal representation program for detained Marylanders facing deportation. Having a public defender would give these individuals and their families the opportunity to remain together, operate as a strong family unit within their communities, and hopefully become American citizens who contribute so much to our nation.

For all these reasons, Indivisible Central Maryland strongly **SUPPORTS SB 129**. Thank you.

Liz Enagonio, Lead Advocate  
Indivisible Central Maryland

# **SB129\_BarbaraMyers\_Fav.pdf**

Uploaded by: Lorena Ortega

Position: FAV

SB 129– FAVORABLE  
Barbara Myers  
barbaramye@gmail.com

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Barbara Myers and I am a volunteer with the Capital Area Immigrants' Rights (CAIR) Coalition. I am also a lifelong Maryland resident, currently living in Montgomery County. As a community member working with Maryland residents in immigration detention, I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I have been volunteering with the CAIR Coalition in various capacities for the past 5 years. I have provided Spanish/English translations of case related documents, and served as an interpreter to enable detainees to understand statements to be presented to the court on their behalf. I also regularly staff the telephone hotline, which enables detainees to speak with CAIR Coalition legal staff and outside attorneys. Before the current pandemic, I participated with CAIR staff in numerous visits to ICE detention centers, conducting intake interviews with newly detained persons, and delivering written materials about legal steps and procedures relevant to their cases.

During one such visit I remember meeting Josue, an older man from El Salvador, who had been living in Maryland and working as an auto mechanic since 2001. He was married, had 2 children born in the U.S., and was an active member of his church. As I wrote down his information, I realized that, as a long term resident with established ties to the community, he had a strong case for relief from deportation. But he had neither the knowledge of the system nor the resources to acquire legal representation. Without a lawyer, he would probably be deported, and his family would be emotionally and financially devastated. Fortunately, CAIR was able to assist him and he is now reunited with his family.

In my interaction with detainees through the hotline I have consistently heard the fear and powerlessness they experience in the face of a system that they neither understand nor feel they can defend themselves against. "How do I tell the judge that my life is in danger if I am sent back?" "How can I ask for bond?" are all too common questions. At the same time, detainees express profound relief and gratitude when they have legal counsel and are able to learn about the immigration system and steps, they can take to uphold their rights.

All detainees should have access to legal representation in order for our immigration system to be administered in a just and equitable manner. Our society is weakened, not protected, when families and communities are dismantled, and the rights of all individuals must be upheld to the fullest extent permitted by law.

Coordination and provision of financial resources for legal representation during all stages of the hearing process is an important step towards prioritizing equity and harm reduction in our immigration system. I urge a favorable report from the committee on Maryland Senate Bill 129.

**SB129\_Lora Adams\_Fav.pdf**

Uploaded by: Lorena Ortega

Position: FAV

SB 129– FAVORABLE

Lora Adams

[loragadams125@gmail.com](mailto:loragadams125@gmail.com) | 501-773-4420

SB 129– FAVORABLE

"Access to Counsel in Immigration Proceedings Program"

Senate Judicial Proceedings Committee

February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Lora Adams and I volunteer with Capital Area Immigrants' Rights (CAIR) Coalition. I was a resident of Prince George's County for many years and just moved to DC. As a community member working with Maryland residents in immigration detention, I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I have been volunteering with CAIR Coalition for almost three years and have been a Maryland resident for four. I have worked in refugee and immigrant advocacy for six years, and I currently work as an immigration policy consultant and educator in the DC area. I have volunteered with CAIR in many different capacities, starting with intake at regular jail visits, particularly to the facilities in Snow Hill and Howard County, and moving to more shifts on their detained immigrant hotline as the pandemic began and made in-person services more difficult. I also translate documents from Spanish to English in service of their legal clients. This type of work is so important to me, as the work I do for a living is often strategic and removed from the people it is in service of, especially in the isolation of the pandemic. CAIR Coalition provides direct services to hundreds if not thousands of people each year, and it has been a privilege to be part of their mission to provide services and demand the dignity of choice for those who are detained.

As part of my volunteer work in detention centers in Maryland, I become familiar with the multiple and compounding variables that keep immigrants in detention from a fair day in court. Many people face language barriers, which is socially isolating and a source of constant stress, as most of the documents they receive from the government and the court are in English, and everything they turn in must be translated from their native language into English. When doing intake interviews for CAIR, sometimes I am the first person that has asked them how they are, what has happened to them, and how they want to proceed. Without representation, I'm not sure they are ever asked those things. One boy I met was 15 years old and detained in a prison facility with adults. He didn't speak English, and he didn't know what was happening to him. He was afraid he would be killed if he was deported back to El Salvador, but he didn't know how to claim asylum or even what would happen at his next court date. For so many people, they have a case that would allow them to stay in the United States, keep their good jobs, and remain surrounded by their community, but they can't afford a lawyer to prove this to a court. That isn't justice, and I know we can do better.

I support this bill because everyone deserves a fair day in court. No one should have to go it alone. I urge a favorable report on SB 129.

Thank you for your time,

Lora Adams

# **SB129\_LorenaOrtega\_Fav.pdf**

Uploaded by: Lorena Ortega

Position: FAV

SB 129– FAVORABLE  
Lorena Ortega Guerrero  
2640 N Charles St Baltimore, MD

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Lorena and I am a resident of Baltimore, Maryland. As a paralegal for Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I am a part of the team providing Universal Representation to residents of Prince George's County. I help clients and their families tell their stories and assist lawyers as we prepare their cases. Every day I hear horrifying stories of past persecution and the pain clients and families feel as they are being separated by detention. They share with me their confusion towards those laws and systems that are defining their lives and the relief they feel knowing that they do not have to face it alone. This does not surprise me. I watch even our most experienced attorneys struggle at times to make sense of our complicated immigration laws and procedures. Yet, we expect individuals in detention to navigate these laws and systems on their own, often in a language they do not understand, while experiencing one of the most difficult moments of their lives.

I approach my work with a personal understanding of how trying these experiences can be. Both of my parents were placed in deportation proceedings when I was sixteen. My family had no idea what we could do nor what options we had because we thought we only had one: deportation. And no one at DHS was telling us otherwise. I thought that, any day, I would have to choose between living thousands of miles away from my parents or leaving the only life I'd had ever known in the U.S. A decision that too many children in Maryland often have to ponder. Thankfully, my family found an attorney who charged us only what we could afford and helped us build our case. My parents are now on their path to citizenship, and I am speaking to you here today, fully aware that this would not be the case had we not found an attorney. We were one of the lucky ones.

Too often, individuals are deported and separated from their families, not because their cases lack merit, but because they could not afford an attorney to advocate for them. Too often, I hear stories from clients who have put their families in suffocating debt paying for attorneys who only took advantage of them. The difference between life and death, between a family united and a family torn apart, should not be a person's ability to pay.

With the Prince George's County project, we work every day to help detained individuals exercise their rights. But I often think about the many other Marylanders who are left out of this program. We cannot abandon them and their families. Thank you.

I urge a favorable report on SB 129.

# **Testimony on Access To Counsel in Immigration.pdf**

Uploaded by: Lorraine Wilson

Position: FAV



Lorraine A. Wilson

Date: February 3, 2022

Bill Title: ACCESS TO COUNSEL IN IMMIGRATION PROCEEDINGS

Bill Number: SB129

Position: Favorable/ Support

Committee: Judicial Proceedings

Honorable Committee Members

I strongly support SB129 in its efforts to give immigrants access to counsel.

At last year's Hearings, I was very impressed by the testimony of a former Immigration Judge. It was her esteemed opinion that immigrants should have access to counsel. As she said, and as I now agree, it is by far the most important aspect of immigration court and most always determines the outcome of a case. I try to think how I would feel, standing before a Judge, and not understanding fully what is involved in presenting my own case were I to find myself in a similar position. Even though that seems highly unlikely, I shudder to think about it and how what and how my case is presented will determine my whole future and that of my family.

I could site many statistics and lots of data (as I generally do) but in this instance I simply appeal to your own sense of decency and human feeling. These people (or their families) are our friends, our neighbors, our co-workers. I believe they should have a fighting chance when making an appeal for their chance to seek asylum.

Please consider this when making your decisions about SB129 and send a FAVORABLE report from your committee.

Respectfully

Lorraine A. Wilson 8719 62<sup>nd</sup> Ave Berwyn Heights, MD 20740

barranw@comcast.net

# **Senate Access to Counsel in Immigration Proceedin**

Uploaded by: Louise Weissman

Position: FAV

February 3, 2022  
Louise M. Weissman  
Greenbelt, 20770

**TESTIMONY ON (SB#0129/HB#0114) - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Louise M. Weissman

**My name is Louise Weissman. I am a resident of District 22 in Greenbelt. I am submitting this testimony in support of a favorable report on SB#0129/HB#0114, Access to Counsel in Immigration Proceedings**

First, I would like to thank Senators Hettleman and Waldstreicher, the sponsors of this bill. I am the daughter and granddaughter of Jewish immigrants from Russia and Poland. Both sides of my family arrived in the States before the passage of the **1924 Johnson–Reed Act**. That act set quotas on the number of immigrants allowed in the U.S., especially Jews, Italians and Greeks .and it authorized the creation of the U.S. Border Patrol. Growing up, my family shared stories about their families' migration to the United States, explaining that coming here was a way to escape persecution as Jews. I was taught that we had an obligation to “Welcome the Stranger,” an act mentioned no less than 36 times in our Torah. I was reminded that as Jews, we were once strangers throughout the Jewish Diaspora.

My paternal grandparents came from Russia in 1904. My mom and her family came from Koretz (at that time Poland) shortly after WWI. Immigrating to the US saved the lives of my immediate and extended family who landed in the States and later were members of synagogues, members of communal support organizations and some, in unions. Growing up, I observed people in my community working to create a more just and compassionate world.

I strongly support organizations such as CASA which are led and supported directly by immigrants and who know how important legal representation is. I believe that all people deserve legal representation, whether they face deportation, eviction, or criminal penalties. To deny legal counsel is to deny due process.

All immigrants in Maryland, including those transferred by ICE to another state, deserve to have access to government-appointed lawyers. It is more critical than ever that those who have lived, worked or attended school in Maryland be granted legal representation if first detained in Maryland, but transferred to another ICE-friendly state.. **I respectfully urge this committee to return a favorable report on SB#0129/HB#0114.**

**SB129\_Luis\_Fav.pdf**

Uploaded by: Luis Gutierrez

Position: FAV

SB 129– FAVORABLE  
Luis G.

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Luis and I am a resident of Hyattsville in Maryland. As a former client of the Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 129: Program for Access to Representation in Immigration Proceedings.

I am living with my U.S. Citizen wife and 4-year-old son. I have a job as a carpenter.

My experience in immigration jail was quite sad because I was separated from my family for a long time. I've been through a lot of things that I've never been through in my life. My detention affected my family financially because they depend on me. All the time I was detained, I couldn't provide for my son's support. My wife's health was also affected because during the time I was detained, my wife did not have the therapy that she needed on a daily basis for her asthma, nor was she able to buy medicine for her heart.

Early in my case, I consulted a private attorney who told me that I was going to be deported because there was no hope for me getting out of detention and staying in the United States. When I heard that, I felt very sad and resigned myself to what they told me. They recommended that I get a pro bono attorney.

So, I called the CAIR Coalition and got my lawyer through the Prince George's County ISLA Program. At first, I had no hope, but as my case went on, I started feeling more encouraged because my lawyer explained my rights to me, explained how to fight my case and gathered evidence. My attorney gave me a lot of hope when she explained my rights and the kind of case I had, because no one had explained my rights before.

For that reason, I would support this law because it is a good benefit for us immigrants. There are many of us who do not have the money to use a private attorney. We always need the help of public attorneys, for that reason I ask you to support this law.

# **Becker\_SB 129 - Access to Counsel in Immigration C**

Uploaded by: Madeline Becker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of Maryland living in District 46 in Washington Village. I am an artist, small business owner, part-time instructor at the Baltimore School for the Arts, and a member of the International Alliance of Theatrical Stage Employees (IATSE) Local 487 working on film and television shows throughout the East Coast. I am also a member of Showing Up for Racial Justice (SURJ). **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**

Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law.

As a member of a labor union, I am immensely grateful for my access to legal representation and collective bargaining. I cannot imagine facing separation from my family without legal representation. It is inhumane. Our country is built on a right to counsel. The Sixth amendment speaks to criminal cases, but given what we say our country stands for, this protection should extend to protect immigrants, who are after all crucial to who we are as a nation. I am a descendent of immigrants, now in the fourth generation from their fleeing Europe due to immense hardships.

In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. As an educator, the intense trauma my students endure when their parents are there one day then gone the next is something that I cannot begin to describe in words. We must do better for our kids. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,

**Madeline Becker**  
**1012 South Paca Street**  
**Baltimore, MD 21230**  
Paintbrush Pictures  
IATSE Local 487  
Showing Up for Racial Justice Baltimore

# **SB129\_Marcellin\_Fav.pdf**

Uploaded by: Marcellin N'Din

Position: FAV



SB 129– FAVORABLE  
Marcellin N.

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Marcellin and I am a resident of Laurel, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: "**Access to Counsel in Immigration Proceedings Program.**"

I have lived in Maryland since 1999. I came when I was 16 years old. I came in search of a better life and have worked hard to build a better life for myself and my family since then.

I have a daughter who is eight years old and a U.S. Citizen. I have attended the same Methodist church for 14 years. I have worked as a car salesman since 2009. My whole family lives in Maryland. My mother and all of my siblings are either legal residents or citizens.

I was detained by ICE in 2020. I was detained for about 8 months. I was praying and hoping every day that I would be able to get out and join my family. My first appearance in immigration court was without an attorney. Everything I was saying was being overruled by the judge because I didn't know how to phrase things correctly. I didn't understand what was happening with my case. I was confused and overwhelmed by all of the terms and the procedures. The DHS attorney was making arguments that I could barely understand.

I was detained in York, Pennsylvania. There was no money in my family for me to pay for an attorney. Thankfully an organization in the area put me in touch with CAIR Coalition. I was given free representation through the Prince George's ISLA Program.

Having a lawyer helped me a lot because when I was detained I saw a lot of people trying to figure out their cases on their own and they were being slammed by ICE and DHS and ordered deported. I saw so many people lose all their money on private attorneys who took advantage of them and they would still lose. My attorney took the time to explain what was going on to me; every step of the process. He made me feel like I was in control. He did so many things that I would not have been able to do from detention on my own. It was the best moment getting to celebrate with my attorney when we won my case.

Being an immigrant, is so difficult, you work and pay taxes, you try to raise a family and when you face possible deportation it's horrifying. You spend so much time being a part of the community to then be treated in this way. I met so many people who were losing their minds in detention, never having been incarcerated in their lives. It is very upsetting.

This bill is necessary. Not everyone can afford a lawyer and not everyone understands the law. When there is someone on your side who knows immigration law, it's a great feeling. I hope everyone gets to have that.

I urge a favorable report on SB 129.

# **SB 129 - Access to Counsel in Immigration Court.pd**

Uploaded by: Martha Schmitz

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD 42B. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Martha Schmitz  
14 Greentree Dr  
Phoenix, MD 21131  
Showing Up for Racial Justice Baltimore

**Testimony in support of SB129:HB0114 - CAN.pdf**

Uploaded by: Martha Wells

Position: FAV

**Testimony in support of HB0114/SB0129**

**Access to Counsel in Immigration Proceedings Program**

To: Hon. William Smith, Jr., Chair, Hon. Jeff Waldstreicher, Vice-chair and members of the Senate Judicial Proceedings Committee

From: Martha Wells, Congregation Action Network

Date: February 2, 2022

I am writing in **support of House Bill 0114/Senate Bill 0129**, Access to Counsel in Immigration Proceedings Program, on behalf of the Congregation Action Network (CAN). I am a member of the Congregation Action Network, a network of faith communities in Washington, DC, and the Maryland and Virginia suburbs acting in solidarity to end detention, deportation, profiling, and criminalization of immigrants and demanding and upholding justice, dignity, safety, and family unity. With over 75 congregations and a thousand members throughout the capital area, including over 25 congregations with thousands of members in Montgomery and Prince George's counties, we live our faith in advocacy for and solidarity with our immigrant neighbors.

As people of faith committed to ending the detention and deportation of immigrants, we adhere to the sacred texts of most major faiths that call for welcoming the stranger and treating each other with love, dignity, respect, and compassion. We believe in liberation and that immigrant families should be united and free - never incarcerated.

HB0114/SB129 would provide legal representation for Maryland residents facing detention or deportation in immigration court. Having legal counsel has been shown to be the critical difference in whether an immigrant gets to be free pending adjudication of his or her asylum request, and whether an immigrant is deported or is allowed to live freely and safely with his or her family in the U.S. Keeping families whole is a fundamental tenet of many faith traditions.

Those facing incarceration in criminal court are provided an attorney if needed, since the serious consequences of incarceration are recognized. Those facing detention and deportation in immigration court are facing the same and worse, as deportation can sometimes literally be a death sentence.

Before the pandemic, CAN observed several immigration court proceedings in the Baltimore federal building. The pattern was clear - those with an attorney still had a difficult time obtaining bond or asylum, but often succeeded, while those without an attorney typically either lost their case or just gave up and self-deported. Justice demands that all have a chance to make their case for freedom and asylum.

I respectfully urge you to reach a **favorable** report for HB014/SB129. It will provide true due process to all residents of Maryland facing loss of their liberty and home. It is the right and moral thing to do.

Respectfully yours,

Martha Wells, Cluster Leader, Congregation Action Network (Prince Georges County)  
6813 40<sup>th</sup> Ave.  
University Park, MD 20782

**SB129\_Marvin\_Fav.pdf**

Uploaded by: Marvin Dubon Miranda

Position: FAV

SB 129– FAVORABLE  
Marvin Dubon

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Marvin and I am a resident of Baltimore, Maryland. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

I was born in El Salvador. I fled the violence in my country and threats from criminal organizations. I've lived in the United States for 12 years. I have a son who is 14 years old. I'm married and I work as a painter. I work many hours, usually shifts at night as well.

I was detained by ICE for 11 months. It was a terrible experience. It hurt to be separated from my son. It was also very difficult for my wife. I am her only financial support and she is very dependent on me because of her medical condition. She's very sick and can't work. It hurt that I couldn't be with my family for almost a year, especially since it was during COVID and we couldn't see each other. I was afraid I'd be deported any day and separated from my family.

When I started my immigration case, I didn't know what was going on. The first time I went before the judge, I went alone. It was hard for me to express myself and talk to the judge. A month later, I qualified for free legal representation under the Baltimore Safe Cities program. When I had my hearing, my lawyer defended me before the judge; she knew what to say and what to do. I also now understood the laws and how they applied to me. The lawyer helped me tell my story. I was able to fight for my case and my lawyer made me feel like I wasn't alone. Without a lawyer, I know that I would have been deported.

Having someone defend you in front of the judge is very important. Individuals should not be separated from their families because they do not have access to an attorney. I ask that you pass this law.

I urge a favorable report on SB 129.

**2022 NASW SB 129 Senate Side.pdf**

Uploaded by: Mary Beth DeMartino

Position: FAV



**SB 129 - Access to Counsel in Immigration Proceedings Program**

**Senate Judicial Proceedings Committee**

**\*SUPPORT\***

**January 31, 2022**

**Senator William C. Smith, Jr. and Members of the Judicial Proceedings Committee,**

The National Association of Social Workers, Maryland Chapter (NASW-MD) requests your support of SB 129 which will establish the Access to Counsel in Immigration Proceedings Program administered by the Maryland Legal Services Corporation to provide access to legal representation for certain covered individuals detained in the United States within the state of Maryland in certain covered judicial or administrative immigration proceedings where an individual is subject to removal from the United States; and establishing the Access to Counsel in Immigration Proceedings Special Fund to provide funding to implement access to legal representation in immigration proceedings.

NASW is a national organization of social workers representing over 120,000 social workers. The primary mission of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. A historic and defining feature of social work is the profession's focus on individual well-being in a social context and the well-being of society. Fundamental to social work is attention to the environmental forces that create, contribute to, and address problems in living. By passing the Access of Counsel in Immigration Proceedings Program you will be creating a more just and humane society in Maryland.

Social workers across the state of Maryland who work with immigrants, in particular the Latinx community, have been hearing stories from their clients of the fears they face every day. They are afraid to ask for help from any government agency for fear of jeopardizing their immigration case or of being turned over to Immigration and Customs Enforcement (ICE). They are often afraid to send their children to school, seek health care, or ask for food from the Food Bank. They have unprecedented rates of depression and anxiety. They face discrimination in employment, housing, and in public. They experience threats from neighbors, co-workers and bosses. They are terrified to call the police for help. We cannot create a just society if a large

portion of the community lives in fear. By passing the Access to Counsel in Immigration Proceedings Program you can give them the gift of the ability to seek help.

NASW-MD urges you to **pass SB 129** and create a safer, more inclusive Maryland. Thank you for all you do to reach those ends.

Mary Beth DeMartino, MSW, LCSW-C

Executive Director, NASW-MD

Philip A. Pratt, MSW

Board Member at Large, NASW-MD

Co-Chair, Legislative Committee

Chair, Immigration Committee

# **SB 129 - Immigrant Right to Counsel.pdf**

Uploaded by: Matt Peterson

Position: FAV

## OFFICERS

RABBI ANDREW BUSCH

President

ELIZABETH GREEN

1<sup>st</sup> Vice President

THE HON. CHAYA FRIEDMAN

BENJAMIN ROSENBERG

RABBI STEVEN SCHWARTZ

MELANIE SHAPIRO

ROBIN WEIMAN

YEHUDA NEUBERGER

Past President

HOWARD LIBIT

Executive Director

## MEMBER ORGANIZATIONS

Adat Chaim Congregation

American Jewish Committee

Americans for Peace Now

Baltimore Chapter

American Israel Public Affairs Committee

American Red Magen David for Israel

American Zionist Movement

Amit Women

Association of Reform Zionists of America

Baltimore Board of Rabbis

Baltimore Hebrew Congregation

Baltimore Jewish Green and Just Alliance

Baltimore Men's ORT

Baltimore Zionist District

Beth Am Congregation

Beth El Congregation

Beth Israel Congregation

Beth Shalom Congregation of

Howard County

Beth Tfiloh Congregation

B'nai B'rith, Chesapeake Bay Region

B'nai Israel Congregation

B'nai Jacob Shaarei Zion Congregation

Bolton Street Synagogue

Chevra Ahavas Chesed, Inc.

Chevrei Tzedek Congregation

Chizuk Amuno Congregation

Congregation Beit Tikvah

Congregation Beth Shalom of

Carroll County

Congregation Tiferes Yisroel

Federation of Jewish Women's

Organizations of Maryland

Hadassah

Har Sinai - Oheb Shalom Congregation

J Street

Jewish Federation of Howard County

Jewish Labor Committee

Jewish War Veterans

Jewish War Veterans, Ladies Auxiliary

Jewish Women International

Jews For Judaism

Moses Montefiore Anshe Emunah

Hebrew Congregation

National Council of Jewish Women

Ner Tamid Congregation

Rabbinical Council of America

Religious Zionists of America

Shaarei Tfiloh Congregation

Shomrei Emunah Congregation

Simon E. Sobeloff Jewish Law Society

Suburban Orthodox Congregation

Temple Beth Shalom

Temple Isaiah

Zionist Organization of America

Baltimore District

## WRITTEN TESTIMONY

### Senate Bill 129

### Access to Counsel in Immigration Proceedings Program

### Judicial Proceedings Committee

February 3, 2022

### SUPPORT

**Background:** Senate Bill 129 (SB129) would establish the Access to Counsel in Immigration Proceedings Program to be administered by the Maryland Legal Services Corporation. The program would provide access to legal representation for certain individuals who are detained in the United States and are facing judicial or administrative immigration proceedings where they are subject to removal from the United States. Furthermore, the bill would create the Access to Counsel in Immigration Proceedings Special Fund to provide funding to implement this program.

**Written Comments:** Migration has been a central element of the Jewish experience since biblical times. The American Jewish Community has long advocated for fair and just immigration and refugee policies, in accordance with the biblical teaching to *welcome the stranger*. To that end, Maryland should be a welcoming state to those who want to be here. Those facing deportation are in a dire position, and are often facing the prospect of having to leave a place they have called home for many years. Deportation proceedings should be as fair of a process as possible.

Immigrants in deportation proceedings should have the exact same right to counsel as a criminal defendant. The possibility penalty of being forcibly sent to another country, which may be unsafe and foreign, is too great of a punishment to not be afforded legal representation. According to the American Immigration Council only 37 percent of all immigrants have legal representation in removal cases. Among detained immigrants, those with representation were twice as likely to obtain the immigration relief being sought. Lack of counsel means receiving less fair treatment for those facing deportation.

With this in mind, the Baltimore Jewish Council urges a favorable report of HB129.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

BALTIMORE JEWISH COUNCIL

5750 Park Heights Avenue, Suite 329 • Baltimore, Maryland 21215

410-542-4850 • fax 410-542-4834 • baltjc.org

Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated

 The Associated  
Jewish Federation of Baltimore

**SB 129\_MDHTTF\_FAV.pdf**

Uploaded by: Melanie Shapiro

Position: FAV



**BILL NUMBER:** Senate Bill 129

**TITLE:** Access to Counsel in Immigration Proceedings Program

**COMMITTEE:** Judicial Proceedings

**HEARING DATE:** February 3, 2022

**POSITION:** Support

---

The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully request a favorable report for Senate Bill 129, as it has the possibility to make a significant impact on the ability to combat human trafficking across the state.

Senate Bill 129 establishes the Access to Counsel in Immigration Proceedings Program to be administered by the Maryland Legal Services Corporation to provide access to legal representation for certain covered individuals. The covered individuals include Maryland residents detained in the United States and not represented by counsel that earn below a set threshold.

There are legal pathways to lawful status for survivors of human trafficking including the U-Visa, T-Visa, Special Immigrant Juvenile Status, and VAWA Self-Petitioner. However, the process to obtain these protections are complicated and best navigated with the assistance of counsel. Without counsel victims of human trafficking may be unaware of the protections federal law avails to them and risk deportation. SB 129 takes the critical step of ensuring that those that are in immigration detention pending immigration proceedings that otherwise meet program requirements have access to counsel. This knowledge will hopefully create the necessary trust in immigrant human trafficking survivors to come forward and seek the assistance they need.

MDHTTF thanks the Committee for its consideration of SB 129 and respectfully requests a favorable report.

For more information, please contact Amanda Rodriguez at [arodriguez@turnaroundinc.org](mailto:arodriguez@turnaroundinc.org) or Melanie Shapiro at [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org), co-chairs of the Legislative Committee of the Maryland Human Trafficking Task Force.

**About MDHTTF:** Formed in 2007 by the U.S. Attorney's Office, the Attorney General of Maryland, and the State's Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State's Attorney's Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.

**SB 129\_MNADV\_FAV.pdf**

Uploaded by: Melanie Shapiro

Position: FAV



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

---

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on SB 129.**

Senate Bill 129 establishes the Access to Counsel in Immigration Proceedings Program to be administered by the Maryland Legal Services Corporation to provide access to legal representation for certain covered individuals. The covered individuals include Maryland residents detained in the United States and not represented by counsel that earn below a set threshold. SB 129 recognizes the importance of legal representation at immigration proceedings. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants.<sup>1</sup> Currently, there is no right to counsel in civil matters including immigration proceedings.

Domestic violence against immigrant women is believed to be almost three times the national average.<sup>2</sup> In a 2015 survey, survivors of domestic violence state that they were afraid to call police because the police would contact immigrations authorities, that criminal charges related to the domestic violence could lead to deportation of themselves or the abuser and that they could lose custody of their children.<sup>3</sup> Abusers use the immigration status of their victim as another way to exert power and control.<sup>4</sup>

There are legal pathways to lawful status for survivors of domestic violence. However, these are best navigated with the assistance of counsel. Without counsel victims of domestic violence may be unaware of

---

<sup>1</sup> Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_NGO\\_USA\\_15241\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf)

<sup>2</sup> Dutton, M., Molina, R. and Young, L. (2015). Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases. [online] National Immigrant Women's Advocacy Project. Available at: <http://library.niwap.org/wp-content/uploads/Powerpoint-Evidence-ofCoercive-Control-Proof-of-Extreme-Cruelty-in-Immigration-Cases-and-Power-and-Control-Dynamics-in-FamilyLaw-Cases.pdf>

<sup>3</sup> Coker, Donna K. and Park, Sandra S. and Goldscheid, Julie and Neal, Tara and Halstead, Valerie, Responses from the Field: Sexual Assault, Domestic Violence, and Policing (October 1, 2015). University of Miami Legal Studies Research Paper No. 16-2, Available at SSRN: <https://ssrn.com/abstract=2709499> or <http://dx.doi.org/10.2139/ssrn.2709499>

<sup>4</sup> Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." Georgetown Journal on Poverty Law and Policy. 7(2).

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)





the protections federal law avails to them and risk deportation. SB 129 takes the critical step of ensuring that those that are in immigration detention pending immigration proceedings have access to counsel. This knowledge will hopefully create the necessary trust in immigrant domestic violence survivors to come forward and seek the assistance they need.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 129.**

---

For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

4601 Presidents Drive, Suite 300 • Lanham, MD 20706  
Tel: 301-429-3601 • E-mail: [info@mnadv.org](mailto:info@mnadv.org) • Website: [www.mnadv.org](http://www.mnadv.org)

# **SB129\_Melvin\_Fav.pdf**

Uploaded by: Melvin Juarez

Position: FAV

SB 129– FAVORABLE  
Melvin J.

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Melvin and I was a resident of Prince George's County for 21 years before moving to Germantown, Maryland where I am now a resident. As a former client of Capital Area Immigrants' Rights (CAIR) Coalition. I am writing to express my support for SB 129: "**Access to Counsel in Immigration Proceedings Program.**"

I have a wife who is a legal status holder and two U.S. Citizen grandchildren. My family is everything to me. I have built a career for myself in construction for the last two decades and built a community. I have several nieces and nephews for whom I provide financial and emotional support.

When I was detained last year I thought my only option was deportation. I was terrified because of the problems in my home country. My life for the last 21 years had been in the U.S. Everyone I loved was here. I was frustrated. Being incarcerated is a terrible experience. You start to lose your mind and I felt frustrated that I could not be there for my family. I have severe asthma and was terrified every day that I would get COVID and die. I was always thinking about signing my deportation when I couldn't find an attorney.

Thanks to God, I was contacted by CAIR Coalition and they told me that I qualified for free representation through the Prince George's ISLA Program. They told me that there were laws to protect me and this gave me hope. I don't speak much English and did not have the opportunity to get an education. But my legal team always made sure that I knew what was happening in my case and in court. The attorney knew what to do and fought for me in a way I could not have done in my own. It made me feel like my case and life mattered. I am so thankful. And thanks to God, everything turned out well and I was able to return to my family.

In this country, you need an attorney, because you need someone to represent you and explain all the complicated laws. One does not know the words or the options you have. I think this bill is so important because everyone deserves the help that I had. For those of us who have cases, it is so important for someone to support us. It would be so hard for people to do this on their own. Without an attorney, you are almost guaranteed to be deported. I saw this happen with so many people when I was detained and I wished that they had had an attorney like me. I would encourage people to hold on, but people would give up and sign their deportation even if they had strong cases because being incarcerated was so terrible. When you have representation and someone to advise you, you at least know what your options are. When you are not familiar with the laws, it is so easy to be manipulated to give up.

I urge a favorable report on SB 129.



# **Testimont of MCYD in Support of SB 129-Access to C**

Uploaded by: Michael DeLong

Position: FAV



**HB 114 | SB 129**  
**Access to Counsel in Immigration Proceedings Program**  
**Favorable**

February 3, 2022

Good afternoon Chairman Smith, Vice Chair Waldstreicher,

My name is Teresa Woorman and I live in Bethesda, MD. I am delivering this testimony as Vice President of the Montgomery County Young Democrats (MCYD) in favor of SB 129. Access to Counsel in Immigration Proceedings Program. MCYD is an organization of young people ages 14-35 that offers a voice for young people who seek progressive change in order to secure a just and stable future for all Montgomery County residents.

This legislature has made progress in recent years making Maryland a more just place for our immigrant families. This bill would provide low-income Marylanders in immigration detention access to state-funded representation to ensure that detained immigrants and their families understand their rights and are supported in a holistic way. The bill would assign the Maryland Legal Services Corporation (MILSC) to coordinate the funding of legal services of the program.

The Supreme Court has affirmed that the right to an attorney is meant to protect people from unfair trials and also means providing an effective lawyer. Immigrants in the US are currently only entitled to legal representation provided by the government in very limited situations. This leaves most immigrants without help navigating our intricate legal system in a language they don't know. The power imbalance in immigration proceedings is only exacerbated by the lack of access to legal help. Deportations are traumatic complicated procedures that nobody should have to face without legal help. National data suggests that immigrants with attorneys are 10.5x more likely to win their cases without lawyers.

For these reasons we thank Senators Hettleman and Waldstreicher for their work on this issue, and urge a favorable report on SB 129. Thank you for your work on this issue.

Sincerely,

Michael DeLong, President  
Teresa Woorman, Vice President  
Keyna Anyiam, Membership Director  
Kathleen Bender, Political Advocacy Director

Steven Cennname, Secretary  
Margie Delao, Communications Director  
Matthew Klein, Programs Director  
Saif Shamim, Treasurer

# **Senate Access to Counsel in Immigration Proceedin**

Uploaded by: Michael English

Position: FAV

February 3, 2022

Michael English  
Silver Spring, MD, 20910

**TESTIMONY ON SBI 29 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Michael English

My name is Michael English. I am a resident of District 20. I am submitting this testimony in support of SBI 29, Access to Counsel in Immigration Proceedings Program.

Everyone deserves legal representation, whether they face criminal penalties, eviction, or, more relevant to this bill, potential deportation. This legislation will ensure that all Maryland immigrants who are detained by ICE have access to government-appointed lawyers. A similar bill was introduced last session, but sadly did not pass either chamber, and the need has not grown any less dire with the passage of time. Moreover, the devastating consequences of detention are heightened during a pandemic, which poses an extreme threat to immigrants in close and often inhumane conditions, and the recent Omicron wave shows that we can't take for granted that the worst is behind us. The least we can do to help people facing those conditions, not to mention a threat to staying in their communities, is to make sure they aren't fighting the battle alone in a confusing, opaque, often terrifying legal process.

Living in downtown Silver Spring, I see first hand how integral immigrants are to the community, and it helps no one to cavalierly detain people for long periods of time and potentially deport them without, at the very least, giving them the legal help they need to defend their rights and make sure whatever case they are facing sees a fair resolution. More than that, it is simply the right thing to do, even if one doesn't consider the impact it would have on the community. Whatever you think of our immigration laws, or however strictly you think they should be enforced, ask yourself, can you really defend a system that relies on people facing them without a lawyer? If not, what are we afraid of here?

I respectfully urge this committee to return a favorable report on SBI 29



# **SB 129 - Access to Counsel in Immigration Proceedi**

Uploaded by: Michelle Siri

Position: FAV

---

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

---

The Women's Law Center of Maryland (WLC) is a statewide nonprofit law firm that seeks to ensure the safety, economic security, and autonomy of women. Our mission is advanced through advocacy and also through direct legal representation of survivors of domestic violence. Among the free legal services we provide is our MEDOVI project, which serves foreign-born victims of domestic violence, sexual assault, and human trafficking who are seeking immigration status independent of their abusers who typically threaten our clients with deportation or refuse to provide the documentation necessary to obtain legal status in an attempt to maintain control over their relationship. These foreign-born victims face unique challenges; cultural differences, language barriers, and fear of deportation frequently prevent them from seeking help. As mentioned above, victims are often sponsored for their green cards by the very same abuser who threatens to have them deported. The vast majority of our clients (96%) are women, and their children face similar challenges, including abuse and forced separation from their mother. Deportation is a particularly acute concern for victims who as a result may be separated from U.S.-born children.

Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, in the United States, millions of people who are poor or low-income are unable to obtain legal representation. The United Nations has identified the importance of a right to counsel in civil cases for protecting the rights of racial minorities, women, and immigrants<sup>1</sup>. According to the Maryland Access to Justice Commission, there are only 1.49 lawyers available to help every 10,000 low-income individuals in Maryland<sup>2</sup>.

Yet, there is no right to appointed counsel in civil matters, including in immigration proceedings. Nonetheless, we know that immigrants *with* representation are nearly six times more likely to have a successful outcome than those without representation. According to the Immigrant Justice Corp, in Maryland, as many as 81% of detained immigrants proceed unrepresented in immigration court<sup>3</sup>. While many legal services organizations in Maryland work to bridge the representation gap for immigration services, these organizations are under-funded and under-staffed; the need for quality, affordable representation is still incredibly large and acute. Of the 6,868 total immigration cases closed by Maryland Legal Services Corporation grantees, only five were closed with the major benefit of "Obtained release from ICE custody." This demonstrates the stark need for increased representation.

Senate Bill 129 creates an Access to Counsel in Immigration Proceedings Program, which would be administered by the Maryland Legal Services Corporation. The Program would be tasked with organizing and directing services and resources in order to provide all covered individuals with access

---

<sup>1</sup> Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT\\_CCPR\\_NGO\\_USA\\_15241\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15241_E.pdf)

<sup>2</sup> Maryland Access to Justice Commission, Strategic Vision Report, 2020, <https://www.mdaccesstojustice.org/reports>

<sup>3</sup> <https://www.caircoalition.org/20200218/immigrant-justice-corps-and-cair-coalition-launch-access-counsel-initiative-immigrants>

to legal representation in removal proceedings. This in turn would ensure a right to counsel in immigration proceedings where the individual is subject to removal from the United States. The Program would serve as a touch point for community groups, advocates, and detained individuals. A coordinated response such as this would provide much needed support in these life-altering proceedings.

Because we strongly support a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the WLC strongly supports SB 129 and urges a favorable report.

***The Women's Law Center operates two legal hotlines, and three direct legal services projects: the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.***

**MD Catholic Conference\_FAV\_SB0129.pdf**

Uploaded by: MJ Kraska

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**February 03, 2022**

**SB 129**

**Access to Counsel in Immigration Proceedings Program**

**Senate Judicial Proceedings Committee**

**Position: Support**

The Maryland Catholic Conference (“Conference”) represents the public-policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

Senate Bill 129 establishes the Access to Counsel in Immigration Proceedings Program administered by the Maryland Legal Services Corporation to provide access to legal representation to certain individuals in certain immigration proceedings and education and outreach to certain individuals, families, and communities affected by immigration proceedings and detention; establishing the Access to Counsel in Immigration Proceedings Special Fund as a special, non-lapsing fund; requiring interest earnings of the Fund to be credited to the Fund.

The foundation of Catholic Social Teaching is the recognition of the life and dignity of the human person. The Church’s care of and concern for immigrants directly flows out of our belief that every immigrant is endowed with God given dignity and ought to be treated with love and respect. In fact, *“The Church supports the human rights of all people and offers them pastoral care, education, and social services, no matter what the circumstances of entry into this country, and it works for the respect of the human dignity of all especially those who find themselves in desperate circumstances”* (2000, *Welcoming the Stranger Among Us: Unity in Diversity, A Statement of the U.S. Catholic Bishops*).

Our legal system rests upon the principle that everyone is entitled to due process of law and a meaningful opportunity to be heard. But for far too long, the immigration system has failed to provide noncitizens with a system of justice that lives up to this standard. Thus, Senate Bill 129 will provide essential legal representation for our most vulnerable population in pursuit of a common good within our society.

The Conference appreciates your consideration, and urges a favorable report for Senate Bill 129.

**Maryland Carey Law Immigration Clinic\_SB 129\_jpr\_f**

Uploaded by: Molly Albano

Position: FAV

Written Testimony IN SUPPORT of

Senate Bill 129 for Universal Representation

**Maureen A. Sweeney, Director & Gabriela Quercia Kahrl, Associate Director**

**Chacón Center for Immigrant Justice**

**University of Maryland Carey Law School**

The Chacón Center for Immigrant Justice unequivocally supports SB 129, a bill that would ensure that Marylanders in deportation proceedings have legal representation in deportation proceedings; poverty should not be the reason a person is deported and separated from their family. The Senate Judicial Proceedings Committee is undoubtedly aware that the Biden Administration has ordered a series of changes within the immigration system to reverse some of the more dangerous and inhumane practices of the last four years. The Chacón Center (“Center”) applauds the new administration’s efforts. However, these actions do not go far enough to address fundamental issues within our immigration system, and the state of Maryland can and should do more for its residents to ensure that they have access to representation to ensure a just outcome to their immigration proceedings. Maryland detainees, regardless of where they will be detained, will need attorneys to help them, so that they may be reunited with their families in Maryland once again.

For approximately 20 years, the immigration clinic has represented Marylanders in the Baltimore Immigration Court, offering a critical but insufficient stopgap. The work of the clinic brings us into contact with all local immigration government bodies with jurisdiction over Maryland residents, including the Baltimore Immigration Court, Baltimore ICE, the Baltimore Office of Chief Counsel, and U.S. Citizenship and Immigration Services, which handles immigration petitions and applications.

For every community member that the immigration clinic represents, there are many more that need access to representation to navigate the byzantine immigration process. While the Biden Administration has the power to affect immigration enforcement, it has not taken steps to end many of the harshest policies of its predecessor, and past Democratic administrations have demonstrated that they are more than willing to enforce immigration laws and impose detention and deportation orders on those lacking access to due process. President Clinton deported over 12 million people, and President Obama, with then Vice President Biden at his side, was famously dubbed the “deporter in chief” by immigrant rights organizations.<sup>1</sup> History demonstrates that the change in administrations will not be enough to ensure fair and equitable outcomes within our immigration courts, and we must be proactive to protect our community members from future injustice.

---

<sup>1</sup> The Obama Record on Deportations: Deporter in Chief or Not?  
<https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not>

CLINICAL LAW PROGRAM

There is a critical need for the Maryland General Assembly to provide legal assistance to detained, indigent Marylanders who face deportation in immigration courts. Unrepresented detained individuals are more likely to request deportation simply because they cannot fill out a form. All applications must be submitted in English; for non-lawyers, this is a near impossible task to do in one's native language, let alone in a foreign one. Detained individuals who are not represented have no one to help them fill out the applications in English. The Center's bond observation project witnessed many individuals choose deportation because they could not fill out an application in English and had no legal representation.

Lawyers offer a critical line of defense to ensure that Maryland residents are not unjustly detained in ICE detention centers while they await their hearings. The Biden Administration has continued detention practices. Because of the stress of detention, and the speed at which proceedings occur once someone is detained, people in detention are four times less likely to win the right to remain with their families in the United States.<sup>2</sup> Additionally, the COVID-19 pandemic means that representation has potential life or death consequences for both detainees and correctional officers<sup>3</sup>.

The fact that Maryland does not provide a lawyer for people facing an immigration hearing short-circuits due process and is blind to a number of realities in our immigration system. First, many of those facing deportation are longtime legal permanent residents who have deep ties to our communities and often have U.S. citizen and legal resident families who rely on them. The hardships suffered by these family members reverberate through our communities long after a permanent resident is deported, creating burdens that unnecessarily hinder Maryland's potential. Each deported person represents one less consumer for local businesses, and one less taxpayer for the state treasury.

Second, the simple fact of having a lawyer does not guarantee that an immigrant will be able to avoid deportation, but it does give the individual a fair shot. Immigration judges represent an important – and the appropriate – layer of protection for our communities. An individual with a lawyer has a fair opportunity to present their case to the judge, but the judge still gets to decide whether the person represents a danger to the community and should be deported, or whether factors such as family hardship, the age of a conviction, or evidence of genuine rehabilitation weigh in favor of relief from deportation.

Third, lawyers help make the immigration system more efficient by fine tuning the application of existing statutes through legal precedent. Through their representation, lawyers have been able to establish precedent at the 4th Circuit level to make future interpretations of complex immigration statutes clearer. For instance, the decision in *Leyva Martinez v. Sessions* helped clarify uncertainty between interpretations of the Immigration and Nationality Act and Maryland statutes related to theft. Because of this, immigration judges can operate with greater efficiency in properly applying immigration statutes as intended.

---

<sup>2</sup> Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf).

<sup>3</sup> People Detained at ICE Facility Allege COVID-19 Outbreak is Being Mishandled, DCist.com Arzate, Hector, (January 13, 2022) <https://dcist.com/story/22/01/13/caroline-detention-facility-accused-mishandling-covid/>



CLINICAL LAW PROGRAM

Here is an example of a client the Center represented whose claim would have likely failed if he had been forced to represent himself without a lawyer. Raul Gomez<sup>4</sup> was from Guatemala; he was a child victim of attacks by the Guatemalan government on indigenous communities during the Guatemalan Civil War. In addition to years of separation from his family, his hand was mutilated during the physical torture perpetrated against by him the Guatemalan military during its razing of indigenous communities. He survived the war and was eventually reunited with his family. He became a respected elder in his community and was elected to many official leadership positions in his *aldea* or village because of it. He dedicated his life to law and order and worked hard to prevent gang infiltration of his *aldea*. He was persecuted and threatened with death by the gangs because of this important work and leadership. He fled to the U.S. and could not afford an immigration attorney to help tell his story to the immigration court. He was on the cusp of an order of deportation because he did not speak English, and therefore, could not fill out the asylum application in English as required by U.S. immigration law. Our Center represented him pro bono and he was granted asylum by the court, with the concession of the Department of Homeland Security, because his case was so strong. Without the assistance of counsel, he would not have been able to tell that story and would have been removed. Today, he is about to become a legal permanent resident.

The thing we know makes the biggest difference in immigrant proceedings is having a lawyer. The need for legal representation in immigration court is critical to ensuring the success of meritorious claims. Decisions about who is deported should be made by the experts – immigration judges, who can make fair decisions after someone has a fair chance to present their case with the help of a lawyer.

---

<sup>4</sup> \*Names in this testimony have been changed to ensure confidentiality.

# **SB 129 - Access to Counsel, OPD Wettstein, favorab**

Uploaded by: Nadine Wettstein

Position: FAV



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 129**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 1/25/2022**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 129.

The Maryland Access to Counsel in Immigration Proceedings program established by HB 114 is urgently needed to protect vulnerable, indigent Maryland residents, and their families. Hundreds of Maryland's children each year are at substantial risk of permanent separation from their parents due to ICE's enforcement actions. Those parents are held in ICE custody in Maryland, or other jails, with no viable opportunity to post bond for release. If a parent loses their immigration hearing – a loss that is exponentially more likely without an attorney– the parent will be deported from the United States. A result that the U.S. Supreme Court has long-equated with “banishment or exile.”<sup>1</sup>

ICE may arrest and detain anyone who is not a U.S. citizen based on ICE's belief that the person is deportable, including asylum applicants and long-time lawful permanent residents (“green card” holders).<sup>2</sup> ICE detainees -- including many asylum-seekers who have no criminal convictions -- are held in the same jails as those facing criminal trials or serving sentences, even though the ICE detainees may have had no contact with the criminal justice system.

Many ICE detainees had decades of productive work history and peaceful family life in Maryland, with extensive community contacts. No criminal conviction is required for ICE to deport an undocumented person. Having a U.S. citizen spouse or child does not by itself prevent deportation. When the parent is deported, this permanent exile often means the family bread-winner is permanently gone. A parent's deportation puts huge burdens on public support programs and in the worst situation, on the state's foster care system.

---

<sup>1</sup> *Padilla v. Kentucky*, 130 S.Ct. 1473, 1484 (2010); *Delgado v. Carmichael*, 332 U.S. 388, 390-91 (1947).

<sup>2</sup> The immigration statute, 8 USC 1226(a) says that any noncitizen “may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States.” Further, subsection 8 USC 1226(c) says that ICE “shall” take into custody any noncitizen who was convicted of any of a very broad range of offenses, including simple possession of a small amount of marijuana. These provisions have been interpreted to mean that immigration judges do not have authority to set bonds for people held in this “mandatory detention.” *Demore v. Kim*, 538 U.S. 510 (2003).

The notable increase of an individual person's likelihood of success in immigration court -- of not being separated from their home and family -- has been well-documented by researchers. For example, the Vera Institute of Justice reports that:

*It is nearly impossible to win deportation cases without the assistance of counsel. Only 5 percent of cases that won between 2007 and 2012 did so without an attorney; 95 percent of successful cases were represented.*<sup>3</sup>

Appointing a lawyer to ICE detainees through this program would serve only indigent Marylanders who are not otherwise represented by counsel. Of course detainees and their families would be free to retain private immigration attorneys. This program would not assist detainees who are able to hire private attorneys.

Unfortunately, few private attorneys are willing, capable, and financially able to represent clients who are in ICE custody. Immigration law is vastly complicated, often being equated to tax law. Deportation defense is a subspecialty requiring even more specialized expertise. Practitioners need an intricate knowledge of numerous bases for deportation, case law interpretations, asylum case law, and the details of other defenses to deportation. Few private attorneys find the field practically or financially feasible, especially with the extra burdens of working with clients in ICE custody.

To provide high-quality representation, the Maryland Legal Services Corporation, acting as Coordinator of this program, will assign indigent detainees' cases to Designated Organizations, whose staff have the expertise and the demonstrated capacity to provide high-quality legal representation to these vulnerable individuals.

Our office does not represent individuals in immigration proceedings. Under the obligations imposed by *Padilla v. Kentucky*, we do provide individualized advice to our immigrant clients of the immigration consequences of their criminal charges and convictions. That is where our service ends, however. Our former clients are left on their own in immigration court. ICE is represented in each case by an experienced attorney employed by the U.S. Department of Homeland Security. A few fortunate detainees are represented by the CAIR Coalition, under grants in similar programs from Prince George's County and Baltimore City,<sup>4</sup> but the vast majority lack counsel in these quasi-criminal proceedings and remain in jail throughout their deportation hearings.

For these reasons, the Maryland Office of the Public Defender strongly urges this Committee to issue a favorable report on SB 129.

---

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Written by: Nadine Wettstein, Director, OPD Immigration Division**

---

<sup>3</sup>Why Does Representation Matter? The Impact of Legal Representation in Immigration Court. <https://www.vera.org/downloads/publications/why-does-representation-matter.pdf>. See also Eagly and Shafer: [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf)

<sup>4</sup>SB 317 anticipates respecting and coordinating with these pre-existing programs, and directing the relevant funding to those programs.

# **SB 129 Access to Counsel in Immigration Proceeding**

Uploaded by: Nancy Soreng

Position: FAV



**TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**SB 129 Access to Counsel in Immigration Proceedings Program**

**POSITION: Support**

**BY: Nancy Soreng President**

**Date: February 3, 2022**

The League of Women Voters of the United States conducted a two-year study on US Immigration Policy. In 2008, following participation in our study and consensus process by League members in every state, we developed a comprehensive position on immigration policy. That position includes the following statement:

*The League of Women Voters believes immigration policies should promote reunification of immediate families; meet the economic, business, and employment needs of the United States; and be responsive to those facing political persecution or humanitarian crises.*

*When enforcing immigration laws: We believe in due process for all persons, including the right to a fair hearing, right to counsel, right of appeal, and right to humane treatment.*

For that reason, we fully support SB 129 and urge a favorable report.

# **CPD Testimony for MD Universal Representation.pdf**

Uploaded by: Natalia Renta

Position: FAV



January 31, 2022

**The Center for Popular Democracy’s Testimony in Support of  
Maryland’s HB0114/SB0129 Access to Counsel in Immigration Proceedings Program**

Dear Members of the Judiciary Committee and the Judicial Proceedings Committee:

We are writing to express our enthusiastic support for Maryland’s HB0114/SB0129 Access to Counsel in Immigration Proceedings Program. The Center for Popular Democracy (CPD) works to create equity, opportunity, and a dynamic democracy in partnership with high-impact base-building organizations, national organizations and progressive unions. CASA is one of the most impactful affiliate organizations in the CPD network.

For over six years, CPD has worked in partnership with the Vera Institute of Justice (Vera) and the National Immigration Law Center (NILC) to launch and support universal representation programs for immigrants facing detention and deportation. There are now more than 50 publicly-funded local and state deportation defense programs nationwide.<sup>1</sup> In 2017, CPD worked with CASA to advocate for and launch local programs in Maryland and Virginia.<sup>2</sup> However, a high percentage of Marylanders facing deportation remain unrepresented.<sup>3</sup>

**What’s At Stake for Detained Marylanders**

It is difficult to overstate how important it is to provide publicly-funded deportation defense. Detained community members face a broken and biased system described by a judge as akin to hearing “death penalty cases in a traffic court setting.”<sup>4</sup> Many community members face this system without legal representation, while there is always a lawyer on the other side arguing against their release from detention and ability to remain in the United States. In detention, people face inhumane conditions, loss of liberty, lasting trauma, and barriers to accessing counsel. In these times of COVID-19, the risks of detention are even more dire. Immigration and Customs Enforcement (ICE) reports that as of January 26th, there have been a total of 36,813 confirmed cases of COVID-19 amongst detained community members since the onset of the pandemic and 3,129 detained community members are currently under isolation or

---

<sup>1</sup> See “Publicly Funded Deportation Defense Programs,” last updated September 2021, *available at* <https://www.vera.org/initiatives/safe-initiative>.

<sup>2</sup> See Maggie Corser, “Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area,” Center for Popular Democracy (Mar. 2017), *available at* [https://populardemocracy.org/sites/default/files/DC\\_Access\\_to\\_Counsel\\_rev4\\_033117%20%281%29.pdf](https://populardemocracy.org/sites/default/files/DC_Access_to_Counsel_rev4_033117%20%281%29.pdf).

<sup>3</sup> See “Individuals in Immigration Court by Their Address,” TRAC Immigration (Dec. 2021), *available at* <https://trac.syr.edu/phptools/immigration/addressrep/>.

<sup>4</sup> The Honorable Mark A. Dummond, “Death Penalty Cases in a Traffic Court Setting’: Lessons from the Front Lines of Today’s Immigration Courts,” American Bar Association, January 15, 2019, <https://perma.cc/G5UB-VBKE>.



monitoring due to confirmed cases.<sup>5</sup> However, advocates and experts argue the rate of transmission in detention is likely much higher.<sup>6</sup> In the 2020 fiscal year, 21 people died in ICE custody—the highest death toll in 15 years.<sup>7</sup> Meanwhile, the stakes of deportation are high, as it can result in physical exile from home, separation from family, loss of employment, and even violence or death in a country of origin.

## **How Harms of Detention and Deportation Reverberate Throughout Maryland**

The effects of detention and deportation extend far beyond those detained and radiate throughout our communities. An evaluation of the New York Immigrant Family Unity Project (NYIFUP) pilot program in New York City revealed that clients served through the program had lived an average of 16 years in the United States and were projected to contribute \$2.7 million in tax revenue each year.<sup>8</sup> Nearly half of the clients were parents to thousands of U.S. children.<sup>9</sup> Data from the localities that are part of Vera’s SAFE Network reveal that clients of the program are parents to hundreds of children—82% of whom are U.S. citizens—and have lived in the U.S. for an average of 14 years.<sup>10</sup> Seventy-seven percent of SAFE clients with families are breadwinners responsible for at least half of their family’s income.<sup>11</sup>

The COVID-19 risks detained community members face reverberate throughout communities as well. A report released by the Detention Watch Network found that between May and August of 2020, ICE detention facilities were responsible not only for thousands of COVID-19 cases in detention centers, but contributed to more than 245,000 additional COVID-19 cases in communities throughout the country.<sup>12</sup>

## **How Universal Representation Programs Impact Communities**

In the face of the deep harms caused by the federal immigration enforcement system, local and state governments have stepped up and invested in deportation defense programs. An investment in these programs is a critical investment in the stability of families, communities, and the economy. Immigrants who are represented are 3.5 times more likely to be released from detention on bond and up to 10 times more likely to establish a right to remain in the United

---

<sup>5</sup> “ICE Guidance on COVID-19,” available at <https://www.ice.gov/coronavirus> (last visited on Jan. 28, 2022).

<sup>6</sup> Noelle Smart and Adam Garcia, “Tracking COVID-19 in Immigration Detention: A Dashboard on ICE Data,” Vera Institute of Justice, available at <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

<sup>7</sup> Catherine E. Shoichet, “The death toll in ICE custody is the highest it’s been in 15 years,” CNN (Sept. 30, 2020), available at <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html>.

<sup>8</sup> J. Stave et al, “Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity,” Vera Institute of Justice (Nov. 2017), available at <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>, 5-6.

<sup>9</sup> *Id.*

<sup>10</sup> Vera Institute of Justice, “Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative” (Dec. 2020), available at <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>, 22.

<sup>11</sup> *Id.*

<sup>12</sup> Gregory Hooks and Bob Libal, “Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States (Dec. 2020), available at [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Hotbeds%20of%20Infection\\_2020\\_FOR%20WEB.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf), 9.

States.<sup>13</sup> When community members are released from immigration detention and allowed to remain in the United States, families can be reunited and communities and local economies are made whole.

### **Why State Investments Are Crucial – Even Under the Biden Administration**

Under President Biden, ICE arrests, detentions, and deportations continue to devastate immigrant communities. Indeed, under the Biden Administration, detention levels have *increased* to 22,000 from a 20-year low of 14,000 at the end of the Trump Administration.<sup>14</sup> Meanwhile, according to the Detention Watch Network, “the administration [is] also actively *oppos[ing]* attempts to provide COVID-19 protections to detained immigrants, disregarding the safety of detained individuals and guidance by public health experts.”<sup>15</sup> Indeed, in August 2021, the Biden Administration appealed a court order requiring ICE to vaccinate medically vulnerable detained community members.<sup>16</sup>

Now, more than ever, state investments in universal representation programs are crucial for protecting communities and blunting the devastating harms of ICE raids, detentions, and deportations. We hope Maryland will choose to invest in protecting its immigrant communities by passing HB0114/SB0129.

Sincerely,

/s/ Natalia Renta

Natalia Renta, Esq.  
Senior Policy Strategist  
Center for Popular Democracy  
787.548.6818  
[nrenta@populardemocracy.org](mailto:nrenta@populardemocracy.org)

---

<sup>13</sup> Vera Institute of Justice, “Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative” (Dec. 2020), *available at* <https://www.vera.org/downloads/publications/rising-to-the-moment.pdf>, 4.

<sup>14</sup> American Immigration Lawyers Association, “Still Striving - The First Year of the Biden Administration” (Jan. 19, 2022), *available at* <https://www.aila.org/infonet/biden-administration-immigration-actions-progress>; U.S. Immigration and Customs Enforcement, “Detention Management,” *available at* <https://www.ice.gov/detain/detention-management>.

<sup>15</sup> Detention Watch Network, “Rhetoric vs. Reality: Biden’s First Year Scorecard (Jan. 22),” *available at* [https://www.detentionwatchnetwork.org/sites/default/files/Rhetoric%20vs%20Reality\\_Biden%27s%20First%20Year%20Scorecard\\_DWN\\_2022.pdf](https://www.detentionwatchnetwork.org/sites/default/files/Rhetoric%20vs%20Reality_Biden%27s%20First%20Year%20Scorecard_DWN_2022.pdf), 2.

<sup>16</sup> Southern Poverty Law Center, “Advocates Decry Biden Administration’s Appeal Fighting Order to Vaccinate Medically Vulnerable People in Detention,” (Aug. 24, 2021), *available at* <https://www.splcenter.org/presscenter/advocates-decry-biden-administrations-appeal-fighting-order-vaccinate-medically>.

# **SB 129 - Access to Counsel in Immigration Court.pdf**

Uploaded by: Natalie Novak

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 41. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

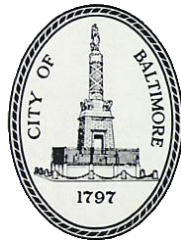
Thank you for your time, service, and consideration.

Sincerely,  
**Natalie Novak**  
**1206 W Northern Parkway, Baltimore, MD 21209**  
Showing Up for Racial Justice Baltimore

**SB129-JPR-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 129**

March 3, 2021

**TO:** Members of the Senate Judicial Proceedings Committee  
**FROM:** Natasha Mehu, Director, Mayor's Office of Government Relations  
**RE:** Senate Bill 129 - Access to Counsel in Immigration Proceedings Program  
**POSITION: Support**

Chair Smith, Vice Chair Valdstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 129.

SB 129 recognizes that a crucial way to keep our communities cohesive, stable, safe, and successful is to ensure legal representation for those whose future depends on it. Over the last three years, the City of Baltimore has proudly funded a similar program for low-income City residents. Baltimore City is committed to keeping families together. Without an attorney, Marylanders who may have a right to remain in the U.S. are often deported, separated from their families, and forced to return to the very conditions that they fled. As public entities, it is our responsibility to protect our constitutions and communities.

**Baltimore City has successfully implemented a similar program for the last three years**

This model of legal representation for immigrants in detention has proven successful in Baltimore City and has contributed to keeping our communities safe. The City of Baltimore, through the Mayor's Office of Immigrant Affairs (MIMA), launched a partnership with the VERA Institute of Justice and Open Society Institute Baltimore (OSI) in 2017 to fund Safe City Baltimore. The Safe City program funds and coordinates legal defense for those facing deportation and helps keep families together. Through this partnership, Baltimore has collaborated with the Capital Area Immigrants' Rights (CAIR) Coalition to identify and provide representation for low-income Baltimore City residents in detention facing deportation. The CAIR Coalition has provided legal defense services for Baltimore residents based on the principles of universal representation.

The results of our program speak for themselves. Through this program, we have found that individuals in the Baltimore Immigration Court with representation were ten times more

likely to win their case than those without representation. Given that 81% of detained immigrants in Maryland have no legal representation at any point in their case and that only 7% of detained, non-represented immigrants in the Baltimore immigration court win their case, it is crucial that our City government help provide access to legal defense. In the first year of the program, the number of successful cases represented by attorneys with successful outcomes rose to 38%. Cases that went to trial with representation over the past three years have had a success rate of approximately 77%. Over the last year, every case in our program that went to trial had a successful outcome. These statistics demonstrate that it is often access to counsel that determines the outcomes of a case.

The triumph of this program at a municipal level speaks to the necessity of this bill at a state level. The protections and support granted to residents of Baltimore City should be expanded to every resident of our state.

### **Legal representation helps keep families and communities safe**

Being a part of the SAFE Network, a national network of legal service providers that defend detained immigrants is important to Baltimore City because it is in line with our values of keeping families together and respecting the rights and dignity of immigrants in our City. Over the years, Baltimore has taken pride in being a Welcoming City for immigrants and refugees. Our program revealed that Baltimore residents in ICE detention had spent an average of 12 years in the U.S. and 86% had children living in the City. These individuals have deep-seated roots in our communities. The challenges and dangers they face in immigration proceedings extend to their families and communities. Without representation, these individuals are likely to be indefinitely detained or permanently deported, tearing families apart and putting impossible burdens and decisions on families who may already be struggling.

Baltimore City advocates for the right to due process for all residents. Individuals deserve the opportunity to tell their stories in front of a judge. This bill helps strengthen our democracy by guarantying due process rights and ensuring a more equitable process.

Residents of Maryland should not live in fear of being separated from their families and losing the lives they have worked hard to build in our state. Their contributions to the fabric and prosperity of our cities should not go ignored.

### **Legal representation helps address the challenges of the current moment**

We believe that this bill meets the moment in which we are living. A right to legal representation empowers the most marginalized members of our community. It is a means of fighting systemic injustice. Our office fights for racial justice and uprooting the systems that hurt our communities of color. Increased immigration enforcement and detention has had deep implications for communities of color in Maryland. Communities that are over-policed and over-prosecuted in our criminal system face similar injustices in the immigration system.

COVID-19 has also exasperated the urgent need for legal representation in immigration proceedings. As Maryland fights to keep its residents safe and healthy, legal representation helps

protect detained individuals and the larger Maryland community. Immigration enforcement has not faltered in its efforts to detain and deport individuals in the pandemic, putting our residents and communities at risk.

The pandemic has also put an economic strain on all Maryland residents. The struggle for low-income families and families of color in affording legal representation for their loved ones is amplified in the current economic situation, especially as detained individuals are often the breadwinners of their families. Not being able to afford representation should not be the difference between a family staying together and a person facing persecution in their country. We must stand up for and protect our residents. It is our job to protect the integrity of these families, to do what we can to promote public safety and encourage economic prosperity. At a time in which we ask our constituents to support one another and trust their government to overcome the pandemic, we must ensure the safety of all residents.

The City of Baltimore stands behind its diverse immigrant communities, and the state of Maryland should as well. Our administration will continue to do everything in our power so that Baltimore residents feel safe in our great city, and we encourage the State to extend this protection to all Marylanders. Passing SB 129 will help keep our communities and state safe and prosperous.

For these reasons the BCA respectfully request a **favorable** report on Senate Bill 129.



# **SB 129 - Access to Counsel in Immigration Court.pd**

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,

**Nathan Rehr**

**450 E. Federal Street Baltimore, MD 21202**

Showing Up for Racial Justice Baltimore

# **SB129 - Universal Representation Testimony - ACLU-**

Uploaded by: Nick Steiner

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee  
February 3, 2022**

**SB 129 – Access to Counsel in Immigration Proceedings Program**

**FAVORABLE**

NICK TAICHI STEINER  
STAFF ATTORNEY

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
HOMAYRA ZIAD  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 129, which would establish a universal representation program in Maryland for individuals in immigration proceedings who cannot afford legal representation, and ensure that immigrants and their families are supported holistically throughout the entire process of deportation proceedings.

Unlike in criminal cases, there is no right to counsel in civil immigration proceedings, even though the consequences are severe, including the possibility of family separation and deportation, and sometimes persecution and death. Individuals must often navigate a complex legal system alone, and often in a language unfamiliar to them. Without representation, they are less likely to understand the process, file necessary documents, and comply with court appearances, and are thus severely disadvantaged to have a fair chance of winning their case. Recent data shows that approximately 70 percent of individuals are unrepresented in removal proceedings,<sup>1</sup> and only five percent of those without representation managed to obtain relief from deportation.<sup>2</sup>

The lack of representation is especially urgent for people who are transferred out of the Maryland area. When they are transferred to remote locations like Georgia or Louisiana, there is a lack of resources to adequately defend themselves against deportation. ICE transfers has been a longstanding practice, and is a matter of ICE discretion.<sup>3</sup> Indeed, the Transactional Records Access Clearinghouse (“TRAC”) at Syracuse University has studied nationwide ICE transfer practices, and the rates at

---

<sup>1</sup> Kica Matos and Helen Gym, “One Big Thing Cities Can Do on Immigration,” *Bloomberg CityLab*, October 26, 2020. <https://www.bloomberg.com/news/articles/2020-10-26/one-big-thing-cities-can-do-to-protect-immigrants>.

<sup>2</sup> Karen Berberich, Annie Chen, Corey Lazar, and Emily Tucker. “The Case for Universal Representation.” Vera Institute of Justice. December 2018. <https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>.

<sup>3</sup> U.S. DEP’T OF HOMELAND SEC. IMMIGRATION AND CUSTOMS ENFORCEMENT POLICY 11022.1 § 5.2(3)(d) <https://www.ice.gov/doclib/detention-reform/pdf/hd-detainee-transfers.pdf> (describing reasons for a transfer).

individual facilities, and have found that ICE transfers are commonplace.<sup>4</sup> In FY 2015, reports for the three existing immigration detention centers (Frederick County Detention Center, Howard County Detention Center, and Worcester County Detention Center) showed high rates of transfer, and the transferred population were predominantly transferred outside of the Maryland area<sup>5</sup>:

Facility	% of detained immigrants transferred	% of transferred population sent outside MD
Frederick County	40%	70%
Howard County	43%	58%
Worcester County	43%	95%

Even with the advent of immigration detention centers closing in Maryland, ICE transfers have historically, and will continue to be the norm, and providing representation to Marylanders will protect the rights of immigrants ICE intends to deport after they have been transferred to far away detention centers.

Basic concepts of fairness and justice also require Maryland to ensure that immigrants facing deportation have equitable access to legal representation. States across the country and local jurisdictions in Maryland, including Baltimore City and Prince George’s County, have already developed universal representation programs that are protecting the lives and livelihoods of immigrants and their families. It is time for Maryland to join them, and ensure that all immigrants in Maryland have the full rights that they deserve.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 129.

---

<sup>4</sup> TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, <https://trac.syr.edu/immigration/detention/tran.shtml>.

<sup>5</sup> TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, Transfers of ICE Detainees from the Frederick County Detention Center, <https://trac.syr.edu/immigration/detention/201509/FREDEMD/tran/>; TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, Transfers of ICE Detainees from the Howard County Detention Center, <https://trac.syr.edu/immigration/detention/201509/HOWARMD/tran/>; TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, Transfers of ICE Detainees from the Worcester County Detention Center, <https://trac.syr.edu/immigration/detention/201509/WORCEMD/tran/>

**SB0129-FAV-DTMG-2-3-22.pdf**

Uploaded by: Olivia Bartlett

Position: FAV



**Olivia Bartlett, DoTheMostGood**

**Committee:** Judicial Proceedings

**Testimony on:** SB0129 – Access to Counsel in Immigration Proceedings

**Position:** Favorable

**Hearing Date:** February 3, 2022

**Bill Contact:** Senator Shelly Hettleman

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members across all districts in Montgomery County as well as in a number of nearby jurisdictions. DTMG supports legislation and activities that keep residents healthy and safe in a clean environment and which promote equity across all our diverse communities. DTMG strongly supports SB0129 because it will protect the rights of the most vulnerable in our communities.

Under our nation’s immigration laws, individuals in deportation proceedings do not have a right to government-funded counsel. Even though deportation often threatens one’s life and freedom, in immigration court, unlike in criminal court, an immigrant is denied the right to counsel when they can’t afford a lawyer. This sets immigrants up to fail, since the government trying to deport them always has counsel.

Many facing deportation have valid reasons to stay, but they can’t navigate the complex deportation system and present these claims without legal help. National data shows that immigrants with lawyers are 10.5 times more likely to win their cases than those without lawyers. 81% of detained immigrants in Maryland had no legal representation at any point in their case. Only 7% of detained, non-represented immigrants in the Baltimore Immigration Court won their case.

SB0129 will address this problem by establishing the Access to Counsel in Immigration Proceedings Program administered by the Maryland Legal Services Corporation to provide a public defender system for immigrants in Maryland facing deportation. This program will help support the most vulnerable residents of our communities, help families stay together, and help communities thrive.

We are taught that everyone is entitled to their fair day in court. Everyone should mean everyone. Therefore, DTMG strongly supports SB0129 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett  
Co-Lead, DoTheMostGood Maryland Team  
oliviabartlett@verizon.net  
240-751-5599

**SB129\_Patricia\_Fav.pdf**

Uploaded by: Patricia Banos Guevara

Position: FAV



SB 129– FAVORABLE  
Patricia B.

SB 129– FAVORABLE  
"Access to Counsel in Immigration Proceedings Program"  
Senate Judicial Proceedings Committee  
February 3, 2022

Dear Chair Smith and Members of the Senate Judicial Proceedings Committee:

My name is Patricia B. and I am a resident of Baltimore, Maryland. As the wife of a former client of Capital Area Immigrants' Rights (CAIR) Coalition, I am writing to express my support for SB 129: **"Access to Counsel in Immigration Proceedings Program."**

My husband, Marvin, was detained by ICE for almost a year in 2018. My husband and I have lived together for six years in Maryland. We attend a church in Baltimore. My husband works as a painter. I cannot work because of my health condition. I was treated for TB and meningitis and so I was left with a bad foot and a weak heart. I am also being treated for an end stage kidney disease. I undergo dialysis almost every day.

My husband was detained by ICE in July of 2018. That was a terrible time in my life. My life was so unstable. I was very sick at that time, and he was the only person who supported me. When he was detained, I felt like the world came down on me. I was so afraid that he would be returned to El Salvador and I would be left here alone. His son suffered so much during that time. He was always crying and sad, it was a very hard time for him too.

A friend of my husband's got him the phone number for CAIR. Thanks to God, we were able to get free representation. Our lawyer worked so hard on our case. When you have a lawyer in immigration proceedings, ICE pays more attention to you. They treat you and your case with a little more respect. The lawyer kept me up to date on how my husband's case was going; she showed me how I could help him. To this day, she still is on our side, defending us.

Without an attorney, my husband would have been deported. The judge would not have known how important it was for him to stay. They would not have had an understanding of our lives.

This bill is a necessity. It is a bill to keep families together. When he was detained, I searched so much for a lawyer. They would tell me ridiculous prices, that I could not afford. This bill will keep families together and give people new opportunities to keep their families safe.

I urge a favorable report on SB 129.

# **SB 129 - Access to Counsel in Immigration Court.pd**

Uploaded by: Patrick Sadil

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District #46. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Patrick Sadil, PhD  
1637 Fleet Street  
FL 1  
Baltimore, MD, 21231  
Showing Up for Racial Justice Baltimore

# **SB 129 - Access to Counsel in Immigration Court.pdf**

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 45. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Rebecca Shillenn  
5401 Elsrode Avenue Baltimore MD 21214  
Showing Up for Racial Justice Baltimore

**2022.02.01 - A2JC Written Testimony - SB129.pdf**

Uploaded by: Reena Shah

Position: FAV

**COMMISSIONERS**

**Ward B. Coe III, Chair**  
Gallagher, Evelius & Jones

**Franklyn Baker**  
United Way of Central Maryland

**Sarah Coffey Bowes**  
Civil Justice, Inc.

**Meryl Davis Burgin**  
CareFirst BlueCross BlueShield

**Hon. Kathleen M. Dumais**  
Maryland House of Delegates

**David Eppler, Vice Chair**  
Designee, OAG

**Guy Flynn**  
DLA Piper

**Susan Francis**  
Maryland Volunteer Lawyers Service

**Hon. Brian E. Frosh**  
Attorney General of MD

**Herb Garten**  
Fedder Garten, P.A.

**Sharon E. Goldsmith**  
Pro Bono Resource Center of Maryland

**Jessica Gorsky**  
Whiteford Taylor & Preston

**Sharon Krevor-Weisbaum**  
Brown Goldstein & Levy

**Thomas E. Lynch**  
Tom Lynch Law

**Wilhelm Joseph**  
Maryland Legal Aid

**John Nethercut**  
Public Justice Center

**Pamela Ortiz**  
Maryland Judiciary

**Michael Pinard**  
University of Maryland  
Carey School of Law

**Jessica Quincosa**  
Community Legal Services of Prince  
George's County

**Hon. Samuel I. Rosenberg**  
Maryland House of Delegates

**Deb Seltzer**  
Maryland Legal Services Corporation

**Victoria Schultz, Treasurer**  
University of Baltimore School of Law

**Kerri L. Smith**  
Silverman Thompson

**Will Smith**  
Maryland State Senate

**Matthew Stubenberg**  
Law School Access to Justice

**Jeff Waldstreicher**  
Maryland State Senate

**Hon. Cathy Serrette**  
Circuit Court for Prince  
George's County

**Donald Tobin**  
University of Maryland School of Law

**Ronald Weich**  
University of Baltimore School of Law

**Hon. Christopher West**  
Maryland Senate

**STAFF**

**Reena K. Shah**  
Executive Director

**SB129**

**Access to Counsel in Immigration Proceedings Program  
Senate Judicial Proceedings Committee**

**SUPPORT**

The Maryland Access to Justice Commission (A2JC) is an independent entity supported by the Maryland State Bar Association (MSBA) that unites leaders to drive reforms and innovations to make the civil justice system accessible, fair and equitable for all Marylanders. Prominent leaders from different segments of the legal community in Maryland – including the deans of the two law schools, the attorney general, law firm partners, heads of the legal services providers and funders, corporate counsel, academics, legislators, the state bar and judiciary comprise the A2JC.

**The Maryland Access to Justice Commission Supports the Principle of Access to Counsel**

A2JC takes a birds-eye view of the civil justice system and is supportive of the right to counsel and access to counsel in many areas of the civil justice system. Providing access to counsel in civil legal proceedings is a core issue for the Commission and one that the Commission has worked to forge progress on for many years in Maryland. *See [Supporting a Civil Right to Counsel in Maryland \(2009\)](#) and [Implementing a Civil Right to Counsel in Maryland \(2011\)](#).* A2JC was also one of the main supporters of the Access to Counsel in Evictions law (HB 18) that was passed in the 2021 legislative session. The reason for the broad support stems from research, reports and anecdotal stories that hammer home the same point: Marylanders who cannot afford to hire an attorney in civil legal cases are not equal before the law. The disadvantage of navigating complex laws and processes on one's own in a system designed to and for lawyers results in severe life-altering consequences in many areas of a person's life that intersect with the civil justice system, including immigration, housing, consumer law, and abuse - to name a few.

**Access to Counsel in Immigration Proceedings Helps Ensure Equality Before the Law**

Deportation is classified as a civil rather than a criminal legal matter. For this reason, immigrants facing removal are not afforded the constitutional protections under the Sixth Amendment that are provided to criminal defendants. Whereas in the criminal

justice system all defendants who are incarcerated for even one day are provided an attorney if they cannot afford one, immigrants – who are similarly *detained* and face the life-altering spectre of deportation and loss of home and country – are generally not afforded the same opportunity. Detained immigrants, particularly those held in remote locations, face the additional obstacle of accessing counsel from behind bars. Yet, in every immigration case, the government is represented by a trained attorney who can argue for deportation, regardless of whether the immigrant is represented.

This passage from the landmark case of *Gideon v. Wainwright*, 372 U.S. 335 (1963), explains the essential rationale of providing counsel in criminal proceedings. The similarity and applicability of the rationale to detained immigrants navigating the civil legal system on their own, while facing the irreparable eventuality of removal from one’s country and separation from family is profound:

[R]eason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth. Governments, both state and federal . . . spend vast sums of money to . . . try defendants accused of crime . . . Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

### **Counsel in Detention Cases Equals Access to Justice**

Years of data and reports show that lack of appointed counsel has a profound impact on immigrants’ ability to receive a fair hearing and that counsel can be the key differentiator in the success of a case. A seminal report by the [American Immigration Council](#) that drew data from over 1.2 million deportation cases decided between 2007 and 2012, showed the following:

- Represented immigrants in detention who had a custody hearing were four times more likely to be released from detention (44% with counsel v. 11% without);
- Represented detained immigrants were nearly 11 times more likely to seek relief from deportation (32% with counsel v. 3% without); and
- Represented immigrants were more likely to obtain immigration relief they sought (49% with counsel v. 23% without).

For the reasons stated, the Maryland Access to Justice Commission requests the Senate Judicial Proceedings Committee to issue a FAVORABLE report on SB129. For more information, please contact Reena K. Shah, Executive Director of the Maryland Access to Justice Commission, at [reena@msba.org](mailto:reena@msba.org).



**SB0129\_CC\_Vaughan\_FAV.pdf**

Uploaded by: Regan Vaughan

Position: FAV

SENATE JUDICIAL PROCEEDINGS COMMITTEE  
SENATE BILL 129  
ACCESS TO COUNSEL IN IMMIGRATION PROCEEDINGS PROGRAM

February 3, 2022

**Support**

Catholic Charities of Baltimore strongly supports SB 129 which would create an access to counsel program for immigration proceedings.

Inspired by the Gospel mandates to love, serve and teach, Catholic Charities provides care and services to improve the lives of Marylanders in need. As the largest human service provider in Maryland working with tens of thousands of youth, individuals, and families each year, we recognize the injustices that occur when Marylanders cannot access proper legal representation.

The Esperanza Center, a program of Catholic Charities, is a comprehensive immigrant resource center located in Fells Point. Our staff and volunteers provide services and referrals, ESL education, healthcare and low-cost immigration legal services to thousands of immigrants each year. All too common today, our clients and their families are forced to appear unrepresented before immigration courts and venues within the ambit of immigration law.

SB 129 provides a right to legal representation for Marylanders who wish to have representation in certain immigration proceedings. This representation is a right that should not have eluded us a century<sup>1</sup>. The U.S. Supreme Court recognized in a 1922 decision that deportation may result in the loss of “all that makes life worth living.” To this day, deportation remains a constant threat in the psyche of our immigrant community. SB 129 provides necessary protections so that immigrants facing deportation can avail themselves of the protections and defenses that exist in our judicial system.

This bill plugs the hole in our legal system where Marylanders facing immigration proceedings have a right to counsel but not means to access counsel. Further, the law is designed to allow for community outreach and community education about immigration.

Every day, the Esperanza Center serves clients who fear that any contact with immigration in particular and law enforcement in general will lead to certain deportation, and even persecution or torture in their countries of origin. Individuals must have legal representation so that when a final legal disposition is rendered, that disposition is deemed proper and proportional as a matter of law.

**We urge you to provide individuals access to legal representation in certain immigration proceedings throughout Maryland by giving a favorable report for SB 129.** Thank you for your consideration of our views.

Submitted by: Regan Vaughan, Director of Advocacy

---

<sup>1</sup> Ng Fung Ho v. White, 259 U.S. 276, 284 (1922)

# Testimony on SB0129.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

2/3/2022

Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON SB#0129 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Your Full Name

**My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of/ SB#/0129, Access to Counsel in Immigration Proceedings Program.**

Before my retirement in 2019 I worked for years in Food Service. Many of my co-workers were hispanic and I heard their stories of how the Sheriff in Frederick County was using the 287(b) program to terrorize them and their families. My co-workers described how they felt that living while hispanic was being treated as a crime in our county. A few of the mothers told me that they and other members of their family had been stopped and questioned on occasion and feared what might be happening. They did not know their rights nor did they expect to be informed of them. Economically, the use of legal advice to protect their rights was financially prohibited. America created a new jurisprudence in the world in which the legal system was obligated to consider a person innocent until proven guilty. But to access that right, people needed to be aware of what duties and obligations they had and that the system had towards them. This bill will restore that balance between the legal system and anyone, regardless of immigration status, to the free and full access to the justice system in adjudicating their interactions. Mothers that I worked with explained how they had a child protection system among their community. Since any interaction with the justice system could last, without council to work in it, for an extended period of time they made agreements. If I am detained I want you to go get and take care of my children. No one should fear for their families welfare simply because the legal rights they could exercise is denied to them. **I respectfully urge this committee to return a favorable report on HB#/0129.**

# **SB 129 - Access to Counsel in Immigration Court.pdf**

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 43. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
**Sam Chan**  
**38 E 26<sup>th</sup> St, Baltimore MD 21218**  
Showing Up for Racial Justice Baltimore

**SB129\_FAV\_Hettleman.pdf**

Uploaded by: Shelly Hettleman

Position: FAV

**SHELLY HETTLEMAN**  
*Legislative District 11*  
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,  
and Families

Joint Committee on the Chesapeake  
and Atlantic Coastal Bays Critical Area



James Senate Office Building  
11 Bladen Street, Room 203  
Annapolis, Maryland 21401  
410-841-3131 • 301-858-3131  
800-492-7122 Ext. 3131  
Shelly.Hettleman@senate.state.md.us

*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

**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.<sup>1</sup> 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.<sup>2</sup> 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.

---

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

<sup>2</sup> 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.<sup>3</sup>

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.

---

<sup>3</sup> "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.

# Copy of JUFJ AccessCounsImmigSen.pdf

Uploaded by: Sherry Glazer

Position: FAV

**Hearing Date:** February 3, 2022

Sherry Glazer  
Bethesda, MD 20815

**TESTIMONY ON SB#0129- POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Sherry Glazer

**My name is Sherry Glazer and I am a resident of District 16. I am submitting this testimony in support of SB#0129, Access to Counsel in Immigration Proceedings Program.**

I am a retired lawyer who believes that anyone deprived of their liberty is entitled to due process protections, including access to legal counsel. I am also influenced by my Jewish values which caution us regarding our conduct toward the “stranger”. Indeed oppression of the “stranger” is the most repeated injunction in the Torah, and aptly applies to immigrants who are “strangers” in our midst.

Like many Americans, I am a descendant of immigrants. I am old enough to remember that two of my immigrant grandparents could barely speak English, received little formal education, and endured hardships that would be unthinkable to many of us today. They worked hard to become American citizens and were grateful for that opportunity. I shudder to imagine their fates had they been detained without counsel, separated from their families, or worse still deported back to Europe on the brink of the Holocaust.

Senate Bill 0129 would protect immigrants in this State who are detained during their immigration proceedings, by providing them with competent legal counsel. As the proposed bill states in its preamble, legal representation dramatically increases the chance that an individual achieves a successful outcome in their immigration case. This has been demonstrated by universal representation programs in both Baltimore City and Prince George’s County.

One of the saddest images in our recent history is one of immigrant children separated from their families, merely because their parents were awaiting disposition of their immigration cases. Access to legal representation during immigration proceedings would help keep Maryland families together. **I respectfully urge this committee to return a favorable report on SB# 0129.**

# **SB129 Written Testimony.pdf**

Uploaded by: Sosseh Prom

Position: FAV

February 1, 2022

Chioma Azi, Esquire  
National Legal Director  
African Communities Together  
700 Pennsylvania Ave. SE, 2nd Floor,  
Washington, DC 20003  
www.africans.us

### **African Communities Together Written Testimony in Support of SB 129**

Greetings to you all. My name is Chioma Azi and I am the National Legal Director of African Communities Together (ACT), a membership based 501(c)(3) non-profit organization dedicated to uplifting and empowering African immigrants. ACT has offices New York, Washington D.C. and Northern Virginia. Although we have no physical presence in Maryland, we serve dozens of individuals residing in Maryland, particularly immigrants that reside in Montgomery and Baltimore Counties. I have 13 years of experience as an immigration law practitioner, and as an advocate for the African and Caribbean immigrant community.

For more than a decade I have represented or appeared on behalf of more than 50 immigrants in removal proceedings for both detained and non-detained matters across the east coast, including cases before the Baltimore Immigration Court. My extensive experience in removal defense has given me an in-depth appreciation for challenges immigrants face in immigration proceedings and the opportunities SB129 presents. For immigrants who find themselves in immigration court due to a criminal conviction, they face a special irony as they must navigate between a criminal justice system that guarantees the right to an attorney and an immigration system that guarantees few rights, least of which is the right to an attorney.

Removal defense is a uniquely challenging, often heartbreaking area of the law where more cases are lost than won, due in large part to high legal standards immigrants must establish to have a chance at a favorable decision. Appearing before immigration court without an attorney poses so many unique challenges to an individual's case. Between complicated rules of procedure, the need for extensive experience and language barriers, immigrants without legal representation do not have full access to due process in immigration court. A quick review of government statistics show just how hard it is to win in immigration court. In 2019, only 15% of affirmative and defensive asylum applications were approved.<sup>1</sup> For cases filed by individuals in court (defensive applications), the approval rate is even lower at only 9%.

I have not won every case where I have appeared, but I can confidently state that the cases I have won could not have yielded the same result if my clients were unrepresented. Legal representation matters a great deal and can often be the difference between success and deportation. SB129 can change this. SB129 can ensure that all immigrants in the state of Maryland regardless of their income or access to what are often scarce non-profit resources, can

---

<sup>1</sup> Please see Department of Homeland Security Office of Immigration Statistics Annual Flow Report, September 2020, accessed at [https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2019/refugee\\_and\\_asylee\\_2019.pdf](https://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2019/refugee_and_asylee_2019.pdf)

have a fair chance in court. I urge this body to consider all testimony and information carefully and pass this proposed legislation to ensure due process is extended to all individuals within our borders regardless of their immigration status. Ensuring that every immigrant in immigration court in Maryland has access to legal representation is not an attempt to give an advantage to undocumented individuals. On the contrary it is an important step towards strengthening our system and truly guaranteeing due process under the law for everyone in the United States. Please consider a vote in favor of due process by supporting SB129.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the initials 'C.G.' followed by a flourish.

# **Judiciary\_ JUFJ\_ImmigrationCourtCounsel-1.pdf**

Uploaded by: Stan Binder

Position: FAV

February 3, 2022

Stanley J Binder  
Middletown, MD 21769

**TESTIMONY ON SB0129 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Clippinger, Vice Chair Moon, and member of the Judiciary Committee

**FROM:** Stanley J Binder

My name is Stan Binder. I am a resident of District 3. I am submitting this testimony in support of **SB0129, Access to Counsel in Immigration Proceedings Program.**

Thank you Chair Smith and Vice Chair Waldstreicher for your time and attention. I am Stan Binder and I am a member of the Beth Sholom and Kol Ami congregations in Frederick, MD. I have been active in supporting the homeless community, children in foster care, and as a tutor in Frederick County. I am retired from the National Education Association. I care very deeply about justice and sanctuary for people who are fleeing to the United States from violence and oppression in their countries of origin.

I am the son and grandson of refugees from Nazi Germany. My mother and her parents came to the United States in April, 1939. My paternal grandparents and great-grandparents came to the United States from the oppression and persecution of Jews in Czarist Russia. Only six people from both sides of the family, who remained in Europe in 1939 were still alive in 1945.

I was a project manager on contracts that developed and supported the case tracking systems for the immigration courts and the INS. In that capacity I had the opportunity to observe immigration hearings in Arlington, VA and Manhattan, NY. The government was represented by the Immigration Judge, Justice Department Attorneys and support staff. The immigrants did not speak English, did not have an attorney, and relied on a court provided interpreter for their testimony. One immigrant said he fled his home because soldiers came to his village and killed his brother. Even I could tell that the interpreter changed “soldiers” to “people”.

In the interests of fairness and humanity, immigrants should have their own legal representation in court. Their lives may hang in the balance. Thank you for taking up this matter and I hope you pass the legislation that would provide fair representation to immigrants in immigration legal matters. **I respectfully urge this committee to return a favorable report on SB0129.**



**SB 0129 Written Testimony 2-3-2022.pdf**

Uploaded by: Stewart Remer

Position: FAV

Date of Hearing: 02/03/2022

Stewart Remer

Rockville MD 20854

**TESTIMONY ON SB 0129 - POSITION: FAVORABLE**

**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Stewart Remer

I am a resident of District 17. I am submitting this testimony in support of SB 0129, Access to Counsel in Immigration Proceedings Program. First, I want to thank Senators Hettleman and Waldstreicher for introducing this bill. They clearly understand that everyone deserves legal representation, whether they face deportation, eviction, or criminal penalties. To deny legal counsel is to deny due process. This legislation will ensure that all Maryland immigrants who are detained by ICE have access to government-appointed lawyers.

As one of my volunteer activities, I staff a hotline with the Capital Area Immigration Rights Coalition. Each time I volunteer, I have the opportunity to touch base with detained immigrants who are in desperate need for legal representation, a service which CAIR Coalition tries its best to provide but isn't always able to because of limited resources. Recently the Coalition shared testimony from Marvin Miranda, a recipient of the coalition's support about his experience in immigration court. He said:

*"The first time I went before the judge, I went alone. It was hard for me to express myself and talk to the judge. A month later, I qualified for free legal representation under the Baltimore Safe Cities Program. When I had my hearing, my lawyer defended me before the judge; she knew what to say and what to do. I now also understood the laws and how they applied to me. The lawyer helped me tell my story. I was able to fight for my case, and my lawyer made me feel like I wasn't alone. Without a lawyer, I know that I would have been deported. Having someone defend you in front of the judge is very important. Individuals should not be separated from their families because they do not have access to an attorney."*

Your support for SB 129 is critical to ensure that the statewide Access to Counsel in Immigration Proceedings, a program like Baltimore Safe Cities and a similar program in

PG County, is available to all Maryland detained immigrants subject to deportation. Without such representation, undoubtedly these detainees would not know how to navigate immigration laws designed to protect them and would likely be unfairly deported.

I respectfully urge this committee to return a favorable report on SB 129. Thank you in advance for affirmatively addressing this critical issue related to much needed immigration reform.

**SB129 MDAID fav.pdf**

Uploaded by: Susaanti Follingstad

Position: FAV



**SB 129/HB 114 – SUPPORT**  
Susaanti Follingstad  
Maryland Against ICE Detention  
sfolling@verizon.com  
301-251-0139

**SB 129/HB 114 — SUPPORT**  
**Access to Counsel in Immigration Proceedings Program**  
Senate Judicial Proceedings Committee/House Judiciary Committee  
February 3, 2022

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Maryland Against ICE Detention (MDAID) strongly supports Access to Counsel SB 129/HB 114.

MDAID is a statewide coalition of organizations and individuals striving to stop immigration detention as well as systems that contribute to detention and deportation. We are made up of over 60 organizations and over 200,000 individual members and members of those organizations.

The Access to Counsel bill would require the Maryland Legal Services Corporation to coordinate legal counsel for Maryland residents facing detention or deportation in immigration court.

We know as eye witnesses, that there is no healthy amount of time for an immigrant to be detained. Some of our members have been inside of immigration detention centers and we know how hazardous these places are both to the immigrants and their families.

For this reason, it is critical that all detained immigrants be provided with free legal counsel. This will dramatically increase that chance that they are released and can be reunified with their families and loved ones.

This issue has taken on a heightened sense of urgency because of the continued pandemic. Serious illnesses and deaths due to COVID continue to rise inside the prisons and detention centers even under the Omicron variant, not only for the detained immigrant but also for the staff at these facilities. All of these deaths are preventable and would not happen were these detention centers to close down.

Many times detained immigrants receive medical care that is substandard and often are denied lifesaving medical care. As more and more detainees continue to get sick from COVID, our members hear more and more frequently how detainees coughing, burning with fever and vomiting, simply do not receive medical care at all.

In addition, family members suffer when their fathers and husbands are picked up by ICE and locked up out of reach from their family members. Families lose their wage earners and children lose their fathers. These children can no longer concentrate in school and suffer a host of psychological consequences.

The state of Maryland also suffers economically from the detention and deportation of these Maryland residents. Many of our immigrant neighbors are essential workers and contribute tremendously to our state's economy and well-being.

Finally, last year the Maryland legislature passed the Dignity not Detention bill. With that great step, fewer of our Maryland immigrants should be detained, yet those that are detained, are being sent to out of state detention. That means the Access to Counsel bill's passage is needed to continue the stand you took by passing Dignity not Detention and to ensure that immigrants get legal counsel no matter where they are in order to increase the likelihood of their being released from detention and not deported.

As our nation is now turning to address racial justice and correct past and current wrong doings, it is critical that we look at who we are locking up in ICE detention. Most, if not everyone, who gets put into Maryland ICE detention are people of color. It is time for us to provide legal counsel to Maryland residents who are in ICE detention.



**SB 129/HB 114 – SUPPORT**  
Susaanti Follingstad  
Maryland Against ICE Detention  
sfolling@verizon.com  
301-251-0139

We urge the passage of Access to Counsel so that families can stay together and be healthy together.  
Access to Counsel will improve the health and lives of everyone in Maryland

MDAID urges a favorable report on SB 129/HB 114.

# **SB 129 - Access to Counsel in Immigration Court.do**

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with CASA de Maryland. I am a resident of MD District 10. **I am testifying in support of Senate Bill 129: Access to Counsel in Immigration Proceedings Program.**



Legal representation is the difference between winning and losing in immigration court. In Baltimore Immigration Court, those with legal representation were four times more likely to win their case. Currently, low-income people in immigration courts are not provided lawyers, even though they face detention, deportation, permanent family separation, and persecution in their country of origin. In fact, 81% of detained immigrants in Maryland have no representation at any point in their case. Furthermore, affected families and communities are left to grapple on their own with the devastating impact of current policies.

Immigration laws are complex and difficult to understand, especially if English is not your first language. Justice in these cases should not be determined by financial ability to hire a lawyer. This is why we need guaranteed access to counsel — so that, regardless of background, income, or language of origin, ALL people receive due process under the law. In addition to guaranteeing due process, this bill ensures that affected individuals, families, and communities understand their rights and receive holistic support by designating community groups to conduct outreach, provide education and assign referrals to services.

When members of our immigrant community are deported without representation, they often leave behind spouses, children, and jobs. Take for example Eddy, a member of our immigrant community who was pulled over for a driving violation, then detained in the Howard County Detention Center. Eddy was subsequently transferred to detention centers in Jessup, Maryland, Pennsylvania, Louisiana, and finally deported, leaving behind his wife and three-year-old daughter.

During this entire process, Eddy had no legal representation. Not only is this unjust, it is also incredibly disruptive to families and communities who are already vulnerable. This bill would not only guarantee that people like Eddy receive a fair trial, but it would also directly address the needs of those vulnerable families and communities. This Access to Counsel Proceedings Program would thus increase the likelihood of families and communities remaining intact.

SB 129 ensures that the over 500 Maryland resident immigrants in detention are connected to counsel in deportation hearings in cases heard in Maryland. Programs like these are already in place in Prince George's County and Baltimore City and they make a difference.

It is for these reasons that I am encouraging you to **vote in support of SB 129.**

Thank you for your time, service, and consideration.

Sincerely,  
Tamara Todd  
221 Northway Rd, Reisterstown, MD 21136  
Showing Up for Racial Justice Baltimore



# **SEIU Testimony IN FAVOR of SB 129 Access to Course**

Uploaded by: Terry Cavanagh

Position: FAV



**SEIU MARYLAND & DC STATE COUNCIL**  
1410 Bush Street, Suite F, Baltimore, Maryland 21230

Testimony in **SUPPORT of SB 129**  
February 3, 2022  
1:00 PM

Presented to: , William C. Smith, Jr., Chairman  
By: Terry Cavanagh, Executive Director

SEIU Maryland & DC State Council urges a **Favorable Report to SB 129.** We commend Senators Hettleman and Waldstreicher for introducing this important legislation which, if enacted into law, will make a life-changing difference in the lives of thousands of Maryland families and our communities.

With over two million members, SEIU is the largest labor union in North America. In the Maryland, Washington, DC, and Virginia area, we represent over 50,000 workers. SEIU was founded by immigrants and has always had large numbers of immigrants.

With **Senate Bill 129** you have the instrument to extend to immigrants what most residents of our state and our country know as a basic right – the right to counsel. Through movies and television, we can all recite the rights read to those accused of a crime. Why? Because we understand that having access to legal counsel is basic. Without it, any one of us could be caught up in a system we don't understand which uses a language foreign to us.

The record shows that when Marylanders have access to legal counsel in immigration proceedings, their chance for a successful outcome dramatically increases. When that happens, there is less disruption to their lives, the lives of their family members, their employers, and the community. There is less pain. There is less fear.

So many of our members have experienced having their families ripped apart which access to legal counsel would have prevented. The fiscal note estimates this bill would have an annual cost of \$9 million. That seems like a very small cost compared to the pain, fear and disruption that Maryland residents experience every day.

**We ask for a Favorable Report on SB 129.** Thank you.



# **GBUL Immigrant Representation TestimonyS.pdf**

Uploaded by: Tiffany Majors

Position: FAV



## Testimony of Greater Baltimore Urban League in Support of HB114 /SB129

This testimony is submitted by the Greater Baltimore Urban League (GBUL) in support of HB114/SB129, which would create a legal representation program for detained Marylanders facing deportation. GBUL is a nonprofit civil rights organization in Baltimore City that helps disadvantaged Marylanders gain access to equal opportunity in employment, education, health care, housing, and the civic arena. GBUL is one of the local affiliates of the National Urban League, a nonprofit, nonpartisan, multi-ethnic, social service organization. Through direct service delivery, advocacy, referrals, community capacity building, information dissemination and technical assistance, the League accomplishes its mission to improve social and economic conditions and opportunities for African-Americans and other people who face barriers to full participation in American society.

Currently, individuals in deportation proceedings do not have a right to government-funded counsel. ICE continues to have the power to detain and transfer Maryland residents in jails and prisons across the country. The Baltimore Immigration Court is the only immigration court in Maryland and has a huge backlog of over 41,900 pending cases ([immigrationcases.org](http://immigrationcases.org)). There are only 11 organizations in Baltimore that provide free legal support and aid. Ensuring that detained Marylanders at risk of deportation have equal access to legal representation is imperative to avert further family separation, systemic and economic oppression.

The Access to Counsel in Immigration Proceedings Bill will address the current inequities and barriers that Marylanders at risk of deportation often face. We recognize how this comprehensive bill would lessen the equity gap of legal access and services for communities that we strive to serve daily. Therefore, we fully support HB114/SB129 and encourage our partners and representatives to also vote in support of this critical legislation.

Thank you for your service and consideration.

Tiffany Majors.  
President and Chief Executive Officer  
Greater Baltimore Urban League  
512 Orchard St.  
Baltimore, MD 21201

A handwritten signature in black ink, appearing to read "T. Majors", is written over the typed name and title.

**SB129-FAV-Tiffen Tapia, JUFJ[1329].pdf**

Uploaded by: Tiffen Lovler Tapia

Position: FAV

February 3, 2022

Tiffen Lovler Tapia  
Baltimore, MD 21224



THINK JEWISHLY. ACT LOCALLY.

**TESTIMONY ON SBI29/HBI14 - POSITION: FAVORABLE**  
**Access to Counsel in Immigration Proceedings Program**

**TO:** Chair Smith, Vice Chair Waldstricher, and members of the Judiciary Committee

**FROM:** Tiffen Lovler Tapia, on behalf of Jews United for Justice (JUFJ)

**My name is Tiffen Lovler Tapia. I live in Baltimore City in District 46. I am submitting this testimony in support of SBI29/HBI14, Access to Counsel in Immigration Proceedings Program, on behalf of Jews United for Justice.** Jews United for Justice organizes 6,000 Jews and allies from across Maryland in support of local social, racial, and economic justice campaigns.

As a Jewish person, I know that our story is of immigrating to new areas and welcoming strangers to our own homes. The Torah lessons to behave with care, equity, and love toward the stranger appear 36 times in the Torah; it is the most-repeated command in the entire Torah. I take those lessons to heart. It is important that we make sure that those of us who were not born in our community are as safe as those of us who were.

I am here because my great-grandparents immigrated to the United States during World War I, escaping the battlefields and pogroms for safety and a chance at prosperity. Many immigrants today are also escaping the hardships of their homelands for a better home, but they don't arrive to open arms the way my family did. My great-grandparents were lucky - they came here before the United States instituted restrictive immigration laws that prevent so many immigrants from entering with an easy path to citizenship today.

I can see the richness and beauty that immigration brings right here in the city of Baltimore and in my neighborhood of Highlandtown. Highlandtown has been a neighborhood of immigrants since 1866 and it continues to this day. The first settlers were primarily German Americans, who then welcomed Eastern and Southern European immigrants in the 20<sup>th</sup> century and are now being augmented by a growing Latinx population. I love seeing all of this happen in my neighborhood. I enjoy talking with my neighbors in Spanish, I enjoy going to the various cultural festivals in Patterson Park to taste all the cuisines and to learn more about my neighbors, and I am enthralled by the performances in the local theaters. I appreciate this about my neighborhood and about the United States.

Immigrants bring unique ways of thinking and help us solve our nation's problems. They share their culture with us to make us a better country. The American story is full of immigrants who helped us achieve great scientific goals, expanded our libraries with their writings, filled our

symphony halls with their music and dancing, and inspired new culinary arts with their cooking. But our country also has a history of persecuting newly arrived immigrants and turning away those in need of safe harbor. The least we can do is provide our neighbors with due process by ensuring that Maryland residents have legal counsel should they be detained by Immigration and Customs Enforcement.

The federal immigration system is deeply unfair and has many systemic problems that we have not addressed. But we are able to do something here in Maryland for our residents. That is why I am supportive of SB129. This legislation will help Maryland's immigrants get the legal help they need to have a fair chance in the courts. This legislation will ensure that all Maryland immigrants who are detained by ICE have access to government-appointed counsel. Everyone deserves due process.

**On behalf of Jews United for Justice, I respectfully urge a favorable report on SB129.**



**\_SB129 Access to Counsel Senate 2022- Toby Ditz.pd**

Uploaded by: Toby Ditz

Position: FAV

February 1, 2022  
Toby Ditz  
Baltimore, MD 21217

**TESTIMONY IN SUPPORT OF SB0129: Favorable  
Access to Counsel in Immigration Proceedings**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the **Judicial Proceedings Committee**

**FROM:** Toby Ditz

My name is Toby Ditz, and I have lived in Baltimore City's District 40 for over thirty-five years. This testimony is in **support of SB0129: Access to Counsel in Immigration Proceedings**.

Many thanks to Senators Hettleman and Waldstreicher for taking the lead on this bill.

I am deeply committed to this legislation partly because I am the grandchild of Jewish immigrants. My grandmother, Helen, emigrated in 1919 from Russia in the midst of civil war in the company of her mother and younger sister; they fled across the closing Polish border to Amsterdam and then entered the US through Ellis Island. Had they tried to come here only ten years later, after US immigration policy choked off the flow of immigrants from Eastern Europe (and elsewhere around the world), I doubt I would be here today. I am profoundly grateful they made it. As the Torah teaches, we have the highest ethical obligation to welcome the stranger.

I also believe that all residents, not just citizens, have certain due process rights as a matter of US constitutional law and in virtue of our common humanity. Our ideal is that "justice is blind," meted out without regard to privilege, race, or wealth. Yet the evidence is overwhelming: people too poor to hire lawyers—whether at bail bond hearings, in landlord-tenant courts, or in immigration proceedings—are far more likely to suffer adverse consequences than those who have legal representation. Indeed, this is why we provide lawyers to citizens accused of crimes: the law in principle cannot tolerate depriving people of their physical liberty without due process.

We need to extend access to legal counsel to immigrants facing deportation. After all, protection from arbitrary, forcible separation from one's family and home is also basic to the meaning of liberty. Yet the expansion of ICE activities in recent years has created with good

reason a deep in the bone fear of deportation among so many hardworking immigrants in Maryland.

Let us welcome the stranger. Let's honor the humanity and due process rights of new immigrants just as we did my family.

**I respectfully urge a favorable report on SB0129.** Thank you.

# **CLINIC Testimony on Maryland Access to Counsel Bil**

Uploaded by: Viviana Westbrook

Position: FAV



**Catholic Legal Immigration Network, Inc. (CLINIC) testimony before the  
Maryland House Judiciary Committee  
SB 129, Access to Counsel in Immigration Proceedings Program  
Submitted January 31, 2022  
Position: Support**

“We ourselves need to see, and then to enable others to see, that migrants and refugees do not only represent a problem to be solved, but are brothers and sisters to be welcomed, respected and loved. They are an occasion that Providence gives us to help build a more just society, a more perfect democracy, a more united country, a more fraternal world and a more open and evangelical Christian community.” *(His Holiness Pope Francis, Messages for the 2014 and 2019 World Days of Migrants and Refugees)*

**About CLINIC**

As the nation’s largest charitable immigration legal services network, the Catholic Legal Immigration Network, Inc. (“CLINIC”) provides substantive legal and program management training and resources as well as advocacy support at state, local, and national levels. CLINIC serves over 400 affiliated organizations across 49 states and the District of Columbia, providing crucial legal services to hundreds of thousands of low-income and otherwise vulnerable immigrants every year. Embracing the Gospel value of welcoming the stranger, CLINIC cultivates projects that promote the dignity and protect the rights of vulnerable immigrant populations. CLINIC’s national office is in Silver Spring, Maryland. In serving our affiliate network and through our programming, CLINIC has particular expertise in the life-changing -- and at times life-saving -- role that access to representation makes in the life of an immigrant.

**Position**

CLINIC supports SB 129, the Access to Counsel in Immigration Proceedings Program. Adoption of this legislation in Maryland is essential for the fair and efficient operation of immigration deportation proceedings in our state and in other states where Maryland residents appear. This bill helps immigrants, citizens, and our communities as a whole by preserving the stability of families, neighborhoods, and employers. The bill also upholds due process, ensuring that an immigrant is represented in removal proceedings and is allowed to remain in the United States if there is a meritorious defense.

**The Consequences of an Immigration System Without Access to Representation**

**1) Immigrants are not Guaranteed Access to Representation in High-Stake Cases**

U.S. immigration law, legal criteria, and proceedings in immigration deportation (removal) cases are complex. Under our current system, which does not guarantee access to representation, we ask and

expect immigrants who are unfamiliar with our laws, our culture, who may be unable to communicate in English, and who may be overcoming trauma to identify their relief and mount a complex legal argument to obtain said relief. Often, immigrants will not even know that they are eligible for relief, or how to apply for it, until they speak to an attorney or accredited representative. In other circumstances, they may know about the relief but are unable to afford a private attorney. Universal representation would give indigent immigrants access to counsel to guide them in what is an incredibly stressful and consequential process.

## **2) Due Process is at Risk**

The recognition of the need for access to legal representation in civil matters has been expanding in the United States for 150 years.<sup>1</sup> Immigration removal proceedings are among the most consequential of civil proceedings, with the life and liberty interests of the potential deportees on the line. One law review article explained the extreme stakes of the situation:

The lack of any right to appointed counsel in removal proceedings might come as a surprise to those uninitiated into the field of immigration law. A noncitizen arrested on the streets of New York City for jumping a subway turnstile of course has a constitutional right to have counsel appointed to her in the criminal proceedings she will face, notwithstanding the fact that it is unlikely she will spend more than a day in jail. If, however, the resulting conviction triggers removal proceedings, where that same noncitizen can face months of detention and permanent exile from her family, her home, and her livelihood, she is all too often forced to navigate the labyrinthine world of immigration law on her own, without the aid of counsel. This is the current state of the law and has been for over a century. (Footnotes omitted.)<sup>2</sup>

Simply put, under our current system, immigrants can be locked up in detention centers or deported without ever getting the opportunity to speak to counsel to try to gain their freedom or reunite with their families.

## **3) “Death Penalty Cases Heard in Traffic Court Settings”**

Immigration Court Judge and former President of the National Association of Immigration Judges, Dana Leigh Marks, characterized deportation proceedings as “death penalty cases heard in traffic court settings.”<sup>3</sup> In the seven years since Judge Marks made this observation, little has changed in access to representation for immigrants in deportation proceedings.

Few detained immigrants have access to an attorney or accredited representative because of detention, cost, availability, or other factors. In the first three months of fiscal year 2022 (October to December 2021), only 20.7 percent of immigrants, including unaccompanied children, had an attorney to assist

---

<sup>1</sup> Alan Houseman and Linda E. Perle, “Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States,” Center for Law and Social Policy, National Legal Aid & Defender Association, and National Equal Justice Library, rev’d 2018, at [https://www.clasp.org/sites/default/files/publications/2018/05/2018\\_securingequaljustice.pdf](https://www.clasp.org/sites/default/files/publications/2018/05/2018_securingequaljustice.pdf).

<sup>2</sup> Stacy Caplow, Peter L. Markowitz, Jojo Annobil, Peter Z. Cobb, Nancy Morawetz, Oren Root, Claudia Slovinsky, Zhifen Cheng, and Lindsay C. Nash, “Accessing Justice: The Availability and Adequacy of Counsel Removal Proceedings: New York Immigrant Representation Study Report,” 33 *Cardozo L. Rev.* 357 (2011-2012), at <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1551&context=faculty>.

<sup>3</sup> Dana Leigh Marks, “Immigration judge: Death penalty cases in a traffic court setting,” op-ed, CNN, June 26, 2014, at <https://www.cnn.com/2014/06/26/opinion/immigration-judge-broken-system/index.html>.

them in immigration court cases when a removal order was issued.<sup>4</sup> By providing counsel, this bill ensures greater fairness and efficiency in the courts.

#### **4) Children are Adversely Impacted**

It is vital to consider the life-disrupting impact of detention and the risk of deportation on children with parents in detention and/or deportation proceedings. In testimony before the Committee last year, Public Defender Paul DeWolfe said 600 children a year in Maryland were put at risk of having a parent detained or deported.<sup>5</sup>

In the United States there are 4.4 million U.S.-citizen children under the age of 18 who live with at least one undocumented parent as of 2018.<sup>6</sup> Doctors and service providers who work with children have seen that a “child’s risk of experiencing mental health problems like depression, anxiety, and severe psychological distress increases following the detention and/or deportation of a parent.”<sup>7</sup> Not to mention that children themselves can be placed into removal proceedings at any time if they do not have lawful status and like their parents, are not guaranteed access to representation.

#### **5) Immigration Courts Present Many Obstacles for Immigrants Already**

Immigration courts suffer from various issues such as not being independent and having large backlogs. There are currently 1.6 million people with backlogged cases in U.S. Immigration Courts.<sup>8</sup> In January 2017, there were 542,411 pending cases.<sup>9</sup> During the last administration, the backlog increased dramatically because of the lack of immigration judges as well as all the new cases the Department of Homeland Security filed.<sup>10</sup> As the number of cases increase, so does the pressure placed on immigration judges to get through their cases quickly. With COVID, this backlog has only worsened.<sup>11</sup>

Immigration Courts fall under the Department of Homeland Security of the executive branch of the federal government. The AG can issue mandate such as the one Jeff Sessions issued under the Trump Administration that forced immigration judges to hear 700 cases per year or be fired.<sup>12</sup> As former President of the National Association of Immigration Judges (NAIJ) Ashley Tabaddor said, “Imagine going to a court where you’ve been charged by a prosecutor, and when you come to court you find out that the judge is hired by the prosecutor and can be fired by the prosecutor.”<sup>13</sup> Quotas and backlogs put pressure on immigration judges to perform quickly and get immigrants in and out of their courts without

---

<sup>4</sup> “Immigration Court Quick Facts,” Transactional Records Access Clearinghouse, Syracuse University, at <https://trac.syr.edu/immigration/quickfacts/?category=epir>.

<sup>5</sup> Judicial Proceedings Committee, House of Representatives, Maryland, Jan 27, 2021, (testimony of Public Defender Paul DeWolfe), at <https://www.youtube.com/watch?v=jK7DgMIA-P4&list=PLZByD5Hj5Udlf0fUUQka3S93bCLHkfVh&index=10>.

<sup>6</sup> “U.S. Citizen Children Impacted by Immigration Enforcement,” Fact Sheet, American Immigration Council, June 24, 2021, at <https://www.americanimmigrationcouncil.org/research/us-citizen-children-impacted-immigration-enforcement>.

<sup>7</sup> *Id.*

<sup>8</sup> Jasmine Aguilera, “A Record-Breaking 1.6 Million People Are Now Mired in U.S. Immigration Court Backlogs,” TIME, Jan 20, 2022, at <https://time.com/6140280/immigration-court-backlog/>.

<sup>9</sup> “The State of the Immigration Courts: Trump Leaves Biden 1.3 Million Case Backlog in Immigration Courts,” Transactional Records Access Clearinghouse, Syracuse University, Jan 19, 2021, at <https://trac.syr.edu/whatsnew/email.210119.html>.

<sup>10</sup> *Id.*

<sup>11</sup> “Immigration Court Cases Jump in June 2021; Delays Double This Year,” at Transactional Records Access Clearinghouse, Syracuse University, <https://trac.syr.edu/immigration/reports/654/>.

<sup>12</sup> Carole Levine, “Immigration Courts: The Case for Independence from the Executive Branch,” Non Profit Quarterly, June 29, 2020, at <https://nonprofitquarterly.org/immigration-courts-the-case-for-independence-from-the-executive-branch/>.

<sup>13</sup> *Id.*

allotting sufficient time for them. In these circumstances, to not even give that immigrant counsel to make the most of the limited time they do have, is inhumane.

### **How Access to Representation in Maryland Will Transform Lives and Communities**

Access to counsel will provide legal representation to immigrants facing detention and deportation. This means that immigrants at a most vulnerable time in their lives will have guidance, will better understand their rights and immigration relief, and will have a greater chance to remain with their families and in their homes in Maryland. ***Over the past 20 years, 93 percent of people who won their deportation cases were represented.<sup>14</sup> Eighty percent of those with removal orders were not represented.<sup>15</sup>*** This shows the importance of having legal representation. Accordingly, access to counsel upholds the dignity and rights of immigrants providing them counsel, advocacy, and other tools needed to be able to identify their immigration relief and put forward their best case.

### **CLINIC Urges Lawmakers to Support SB 129**

CLINIC urges lawmakers to support this bill for the following reasons.

#### **1) To Preserve the Rights and Dignity of Maryland's Residents**

We must recognize the diversity of Maryland's population in current lawmaking. In its most recent immigrant profile of Maryland in 2020, New American Economy reported that one in seven Maryland residents was an immigrant, and one in eight residents was a native-born citizen with at least one immigrant parent.<sup>16</sup> Immigrant business owners in Maryland numbered 66,350, or 23 percent of self-employed Marylanders.<sup>17</sup> They generated \$1.7 billion in business income.<sup>18</sup>

It is vital to consider the life-disrupting impact of detention and the risk of deportation on immigrant families. Anyone who purports to care about children or families must consider the impact of detention and deportation on child poverty, juvenile delinquency, mental health, and the sacredness of life. They should support access to counsel for these life-affirming reasons and for the costs that Maryland society and taxpayers will carry should this bill not become law.

#### **2) Because it Reflects Catholic Values**

CLINIC reflects the church's own tradition of exile, flight, and migration. Catholic social teaching views migration not as a divisive phenomenon, but as an occasion to build the human family. It recognizes a range of human rights for newcomers, based on their God-given dignity that extends far beyond those recognized by individual nations or international bodies. Finally, it teaches that civil authority draws its legitimacy from protecting and defending human rights and the "common good of the entire human family." In this context, service to newcomers constitutes an obligation to persons of faith, not an option.

---

<sup>14</sup> Kica Matos, "Put Public Defenders in Immigration Courts," Forbes, Jul 1, 2021 at <https://www.forbes.com/sites/forbeseq/2021/07/01/put-public-defenders-in-immigration-courts/?sh=5977eb5911f0>.

<sup>15</sup> *Id.*

<sup>16</sup> New American Economy, "Immigrants in Maryland," 2020, at [https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants\\_in\\_maryland.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*



Catholic social teaching's emphasis on the rights and dignity of all persons explains, in part, why CLINIC and its diocesan partners represent vulnerable newcomers from all countries, religions, social groups, creeds, and ethnic backgrounds. CLINIC and its partners serve non-Catholics precisely because of their Catholic identity.

While it is true that access to counsel comes with a financial cost that cost should not – cannot - compare when weighed against the value of human dignity and life and all the other benefits and gifts that immigrants bring Maryland.

### **3) Because It Reflects American Values**

Access to counsel for immigrants in removal proceedings is not a carve-out of rights for one group but reinforces American values and builds the pathway for rights for indigent litigants in every sort of civil proceeding. Lack of representation can result in the separation of families, the deprivation of liberty, and – in some cases – even result in returning to a country and being killed. Access to counsel is a crucial step for Maryland in upholding due process and access to justice for all residents.

CLINIC appreciates your consideration and urges a favorable report for Senate Bill 129.

**SB 129\_aw-unf.pdf**

Uploaded by: Amy Waychoff

Position: UNF

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

**HB 114 SB 129 immigration Counsel.pdf**

Uploaded by: Brigitta MULLICAN

Position: UNF

## **HB 0114/SB 129- OPPOSE this Bill –Access to Counsel in Immigration Proceedings Program**

January 31, 2022

Brigitta Mullican, Montgomery County Resident for 56 years  
1947 Lewis Ave.  
Rockville, Maryland 20851  
[coburgbrigitta@gmail.com](mailto:coburgbrigitta@gmail.com)

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). 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 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 HB 114, the State of Maryland would set aside \$8 million 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.

Providing taxpayer-funded legal representation to illegal aliens further strains the state's limited financial resources in the midst of the COVID-19 pandemic.

Providing legal representation to illegal aliens frustrates federal law which expressly prohibits the federal government from funding illegal aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law requires that it must be offered at no cost to the government.

**Please vote NO on HB 0114 and SB 129**

**SB 129 Access to Counsel - MFRW OPPOSED Final.pdf**

Uploaded by: Ella Ennis

Position: UNF



Ella Ennis, Legislative Chairman  
Maryland Federation of Republican Women  
PO Box 6040, Annapolis MD 21401  
Email: eee437@comcast.net

Senator William C. Smith, Jr., Chairman  
and Members of the Judicial Proceedings Committee  
Senate of Maryland  
Annapolis, Maryland

RE: **SB 129** – Access to Counsel on Immigration Matters – **OPPOSED**

Dear Chairman Smith and Members,

The 1,480 members of the Maryland Federation of Republican Women oppose SB 129 that would provide free legal counsel on immigration matters for individuals illegally present in the United States, a privilege not afforded American citizens.

The United States is a country of laws. Maryland needs to respect and enforce those laws.

Individuals who enter the United States illegally should not have their legal counsel provided at taxpayers' expense. The Policy and Fiscal Note for SB 129 is not yet available. However, the Policy and Fiscal Note from HB 750 of 2021 states: "*OAG estimates that associated costs of the legal representation exceed \$6.0 million annually.*" Projected administrative costs increased from \$241,877 in FY 2023 to \$266,799 by FY 2026.

Marylanders pay high taxes and are dealing with 40-year high inflation. Prices of food, fuel, housing and medical care are all rising steeply. Free legal counsel for illegal immigrants at citizen's expense is totally unacceptable.

Please give SB 129 an **UNFAVORABLE** report.

Sincerely,

Ella Ennis  
Legislative Chairman  
Maryland Federation of Republican Women

# **Testimony opposing MD right to counsel.pdf**

Uploaded by: Lisa Kim

Position: UNF



## Oppose Right to Counsel in Immigration Proceedings (HB 114/ SB 129)

- Illegal aliens should not be provided taxpayer-funded legal representation. The law provides legal representation for criminal prosecutions only. Most immigration proceedings, including removal proceedings are civil and do not trigger free representation. The Supreme Court has ruled that deportation is not a punishment but rather a civil administrative procedure whereby an illegal alien is returned to their homeland.
- Americans do not even get free legal representation in Civil Proceedings.
- Giving Illegal Aliens superior rights above American Citizens is unconscionable, appalling, outrageous and completely unacceptable.
- Providing taxpayer-funded legal representation is unfair because it is unavailable to legal aliens or citizens who are required to pay out of their own pockets for their own civil legal proceedings.
- Providing taxpayer-funded legal representation to illegal aliens further strains the state's limited financial resources in the midst of the COVID-19 pandemic
- Providing legal representation to illegal aliens frustrates federal law which expressly prohibits the federal government from funding illegal aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law requires that it must be offered at no cost to the government.
- We have children with special needs in Howard County who cannot get the support they need in schools because we are told there is no money. Take care of American children first. When every need of Americans is met then we can talk about funding illegal aliens' needs. Until then not one penny to illegal aliens.
- Stop putting the needs of adult illegal (criminal) aliens above the needs of American children with special needs.
- We have American veterans who cannot get the services they need because we are told there is no money.
- We have American Women and children on the streets without food and medicine because we are told there is no money to house or support them.
- We have American Senior citizens who eat cat food because they have to choose between food or medicine because we are told there is no money to help them.

- We have American mentally ill citizens who live on the streets or in mental hell because we are told there is no money to help them.
- Stop forgoing the needs of Americans to help illegal criminal aliens.
- You took an oath to Americans not illegal criminal aliens. You are violating your fiduciary duty and you are putting your bonds at risk

Lisa Kim

Howard County, MD

# **SB0129 Oppose.pdf**

Uploaded by: Margaret Montuori

Position: UNF

SB0129 - Oppose  
Margaret Montuori  
7901 Deepwell Drive, Bethesda, MD 20817

First of all the language in this bill is suspiciously vague. "Certain...individuals" in "certain... immigration proceedings" "subject to removal" does not tell the tax payer exactly who is involved and why. Yet the bill for services rendered is presented to the taxpayer. Federal law already prohibits the use of tax dollars in funding alien representation. HB0114 is also grossly inequitable. The taxpayer is made to pay for legal services of the non-taxpayer, yet there isn't a program of equal value made available to assist the taxpayer with their civil representation issues. This particular state program is to be handled by a corporation which would be a third party handling this tax money. What is the potential cost of oversight of this third party?

To address "subject to removal", organizations that study illegal immigration have found that deportation is still the most cost effective way of handling these cases. Deportation upholds the rule of federal law and does not waste tax dollars. Promoting illegal alien activity enriches the Mexican cartels and allows the federal government to break its own laws and disregard the rulings issued by the Supreme Court.

I do not see the benefit of facilitating the presence of illegal aliens in our state. Their presence is not merit based, yet their cost of housing, food, education, incarceration, their use of the judicial system as well as their wear on our infrastructure and natural resources is enormous. The red carpet, which Maryland legislators have rolled out for illegal aliens, has placed Maryland second out of the fifty states in MS-13 gang activity. Gang activity seems to be the acceptable term for Hispanic on Hispanic crime. What communities benefit from encouraging illegal immigration?

Tax dollars are not a loan to legislators to do whatever they please. I want a return on the money I pay in taxes. Spending on better care for our elderly, more charter schools, more police, tax breaks for those parents who home school etc. would offer a return on investment. Let's not perpetuate the monetary waste that sanctioning illegal immigration has created.

**SB 129\_SP\_unf.pdf**

Uploaded by: Sarah Reichert-Price

Position: UNF

The Honorable William C. Smith, Chair  
and Members of the Senate Judicial Committee  
Maryland Senate  
Annapolis, MD

RE: SB 129- Immigration- Access to Council in Immigration Proceedings Program- UNFAVORABLE

Dear Chair Smith and Members of the Committee,

SB 129 creates increased tension between American citizens and illegal immigrants. Illegal aliens should not be provided taxpayer funded legal representation. Providing taxpayer-funded legal representation has the following drawbacks:

- It is unfair because it is unavailable to legal aliens and citizens who are required to pay out of their own pockets for their own civil legal proceedings;
- It further strains the states' limited financial resources in the midst of the COVID-10 pandemic;
- It frustrates the federal law which expressly prohibits the federal government from funding illegal aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law requires that it must be offered at no cost to the government, and;
- The fiscal and policy note for HB-750-2021 from last year estimated the cost of this program for legal representation to exceed \$6M a year plus increased administrative costs in the AG's office of almost \$200K per year. This is a financial strain we simply cannot afford.

For these reasons, I ask that you vote for an Unfavorable Report for SB 129- Immigration- Access to Council in Immigration Proceedings Program.

Thank you for your time,  
Sarah Price (ACRWC)  
221 Miller Street  
Westernport, MD 21562

# **MD Testimony Opposing SB 129- Right to Counsel in**

Uploaded by: Shari Rendall

Position: UNF

**PRESIDENT**

Daniel Stein

**EXECUTIVE DIRECTOR**

Bob Dane

**BOARD OF DIRECTORS**

Donald A. Collins Jr., Chairman

Duane Austin

Douglas E. Caton, Maj. Gen., USAR (Ret.)

Kevin Donaleski

James Dorcy

Frank Morris, Ph.D.

S. Blake Swensrud II

**NATIONAL BOARD OF ADVISORS**

Nancy Anthony

The Hon. Louis Barletta

Sharon Barnes

Gwat Bhattacharjie

Gerda Bikales

The Hon. Brian Bilbray

J. Bayard Boyle Jr.

Hugh Brien

John Brock

Pat Choate, Ph.D.

Donald A. Collins Sr.\*

Clifford Colwell, M.D.

Thomas Connolly

Alfred P. Doyle, M.D.

Dino Drudi

Paul Egan

Bob Eggle, Capt., USAR (Ret.)

Sarah G. Epstein\*

Don Feder

Robert Gillespie

Joseph R. Guzzardi

Hessie L. Harris

Dale Herder

Sheriff Thomas Hodgson

Glenn Jackson

Carol Joyal

The Hon. Richard Lamm

Roy C. Lierman

Donald Mann

Jack Martin

K.C. McAlpin

Scott McConnell

James G. McDonald, Esq.

Paul K. Nachman

Peter Nuñez

Fred Pinkham, Ph.D.

Randall Pullen

Bruce S. Reid

Teela Roche

The Hon. Alan Simpson

The Hon. Lamar Smith

John Philip Sousa IV

Alan N. Weeden

The Hon. Curtin Winsor Jr.

\*Board of Directors Emeritus

*FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.*



February 1, 2022

The Honorable William Smith, Chairman  
Senate Judicial Proceedings Committee  
Maryland Senate  
Miller Senate Office Building  
2 East  
Annapolis, MD 21401

Dear Chairman Smith and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On their behalf, I am writing to express FAIR’s strong opposition to Senate Bill (SB) 129. FAIR opposes providing taxpayer-funded legal representation to illegal aliens in immigration proceedings.

Under SB 129, illegal aliens who are Maryland residents will be provided legal counsel, at taxpayer expense, in removal proceedings just after the action is initiated and not concluding until a final judgment is issued by the Board of Immigration Appeals and all other legal matters have been resolved.

This bill to provide taxpayer-funded legal representation to illegal aliens undermines federal law. Federal law expressly prohibits governments from funding the legal representation of aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law specifies that it must be at no cost to the taxpayers. See [8 U.S.C. 1229a\(b\)\(4\)](#); [8 U.S.C. 1362](#).





Many who support the right of illegal aliens to be given “free” legal representation in immigration removal proceedings compare deportation to criminal prosecutions. In a criminal prosecution, the Sixth Amendment to the U.S. Constitution guarantees the accused the right to have the assistance of counsel for his or her defense, including at taxpayer expense if indigent. See *Gideon v. Wainwright*, 372 U.S. 335 (1963). However, immigration proceedings, including those for removal, are civil and not criminal and do not trigger a right to counsel. In fact, the the Supreme Court has ruled that deportation is not a punishment, but rather a civil administrative procedure whereby someone residing illegally in the United States is returned to their homeland.

Moreover, SB 129 does not exclude criminal aliens facing removal from representation. The legislation only requires that an alien be a resident of Maryland with an income that is not greater than 50 percent of the median income, adjusted for household size, as determined by the US Department of Health and Human Services. This means criminal aliens who have been released back into the community and have removal proceedings initiated against them by U.S. Immigration and Customs Enforcement (ICE) for crimes of moral turpitude could receive taxpayer monies for legal counsel to prevent their deportation.

Furthermore, providing counsel at taxpayer expense to those illegally in the country is patently unfair. Taxpayer-funded legal representation is generally unavailable to citizens or legal immigrants who face civil proceedings such as foreclosures, evictions, divorce, child custody, and even non-criminal administrative disputes with government, such as disputes over taxes, licensing or zoning. Therefore providing this representation to illegal aliens is misguided and patently unfair to the citizens and legal residents who are required to pay out of pocket for their own civil proceedings.

Additionally, the bill requires the Maryland Legal Services Corporation to designate community groups to “educate individuals and families impacted by immigration detention by hosting ‘know-your-rights’ workshops, distributing written information, assisting communities in the formation and maintenance of neighborhood defense committees and any other activity to inform individuals about their rights.” In other words, it requires the MLSC and these designated groups to use taxpayer funds to actively solicit people to spend even more taxpayer funds, a vicious circle.

This bill uses taxpayer funds to support and advance a politicized agenda. Instead of directing resources to the needs of the community as a whole, it is promoting welfare rights for those who are here in the country illegally, those who are violating federal law simply by their very presence in the United States. During the continuation of the COVID-19 pandemic when thousands

of Marylanders are struggling economically, these funds will be directed towards those in our country illegally instead of bolstering programs that will help Maryland citizens and legal immigrants. This will act as yet another magnet for additional illegal immigration, thus further straining already limited resources.

SB 129 tells Maryland residents that certain segments of the population are more important than others and entitled to special privileges.

For the aforementioned reasons, FAIR opposes SB 129.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at [srendall@fairus.org](mailto:srendall@fairus.org) or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The script is cursive and fluid, with the first letters of "Shari" and "Rendall" being capitalized and prominent.

Shari Rendall

**SB0129\_VMcAvoy\_UNF.pdf**

Uploaded by: vince mcavoy

Position: UNF

**SB0129 UNFavorable**  
**V. McAvoy**

Dear Senators of JPR,

This bill comes on the heels of this **January 27, 2022** article::

**“Leaked video shows federal contractors flying migrants to suburban NY:  
'Betraying the American people' ”**

<https://www.foxnews.com/politics/video-westchester-new-york-migrants-night-contractors>

Four main points to remember as you **vote NO** on this bill.

**1.) MARYLAND LEGAL CITIZENS NEED MORE HELP**

This bill presumes that legal citizens & residents in Maryland have received enough assistance with their legal issues.

After all, why would the entire planet be helped **before** Marylanders' needs - the people that grew up in this State, who helped promote & support this State, the legal citizens who sacrificed life, limb and long hours for this State?

That would be a wrongful assumption; we know MdGA has put forward the Maryland Access to Justice Commission to ameliorate legal services deserts. This Commission helps some American citizens in addition to helping non-Americans.

Fathers have few if any valuable legal resources – neither the Abell Foundation, nor the Md.G.A. nor Access to Justice Commission helps fathers.

So it is clear **MARYLAND LEGAL CITIZENS NEED MORE HELP**

**2.) BILL is a Slush Fund to MLSC  
FROM THE BILL**

“...Maryland Legal Services Corporation to provide access<sup>4</sup> to legal representation to certain individuals in certain immigration..”

**3.) DO GENERAL ASSEMBLY LAWYERS NEED A PET PROJECT?**

Aren't HALF of Md. General Assembly workers LAWYERS?

There is no reasonable, ethical stance to be made for MARYLAND TAXPAYERS paying legal fees. This bill asks MARYLAND TAXPAYERS to give LEGAL AID not food gifts, not actually housing immigrants in the delegates' homes, not even the lawyer-legislators handling illegal immigrants' cases.

Lawyers in Maryland are required to offer 5% of their work **pro bono**.

V. McAvoy po box 41075 baltimore md

If LAWYER-LEGISLATORS feel giving LEGAL AID to ILLEGALS & OTHER IMMIGRANTS is such a valued effort, it stands to reason THEY should **put all their pro bono hours to this pet cause.**

**4.) MARYLAND CITIZENS were DENIED RIGHTFUL UNEMPLOYMENT AID**

Hogan, with a complicit Maryland legislature, unlawfully shut down Maryland for a scamdemic in 2020 Thousands were put on bread lines through no fault of their own. Who helped them? No one helped those masses of Maryland residents wronged. They had to SUE MARYLAND to get rightful, back-due unemployment benefits...and were DENIED by Maryland.

<https://www.msn.com/en-us/news/us/jobless-workers-in-maryland-wage-another-legal-battle-over-unemployment-benefits/ar-AAS5Uoc>

**Thank you for your vote of NO on SB0129 & your consideration.**

humbly

~vince

V. McAvoy po box 41075 baltimore md

# **SB 129 Access to Counsel in Immigration Proceeding**

Uploaded by: Barbara Wilkins

Position: INFO



# Maryland

DEPARTMENT OF BUDGET  
AND MANAGEMENT

LARRY HOGAN  
*Governor*

BOYD K. RUTHERFORD  
*Lieutenant Governor*

DAVID R. BRINKLEY  
*Secretary*

MARC L. NICOLE  
*Deputy Secretary*

## **SENATE BILL 129 Access to Counsel in Immigration Proceedings Program (Hettleman and Waldstreicher)**

### **STATEMENT OF INFORMATION**

**DATE: February 3, 2022**

**COMMITTEE: House Judicial Proceedings**

**SUMMARY OF BILL:** SB 129 creates a special fund to be administered by the Maryland Legal Services Corporation, the purpose of which is to provide access to funding for legal services in deportation proceedings. The bill mandates an annual appropriation to the fund in the amount of \$8 million.

**EXPLANATION:** The Department of Budget and Management's focus is not on the underlying policy proposal being advanced by the legislation, but rather on the \$8 million annual mandated appropriation provision that impacts the FY 2024 and subsequent budgets.

DBM has the responsibility of submitting a balanced budget to the General Assembly annually, which will require spending allocations for FY 2024 to be within the official revenues estimates approved by the Board of Revenue Estimates in December 2022.

Changes to the Maryland Constitution in 2020 provide the General Assembly with additional budgetary authority, beginning in the 2023 Session, to realign total spending by increasing and adding items to appropriations in the budget submitted by the Governor. The legislature's new budgetary power diminishes, if not negates, the need for mandated appropriation bills.

Fully funding the implementation of the Blueprint for Maryland's Future (Kirwan) will require fiscal discipline in the years ahead, if the State is to maintain the current projected structural budget surpluses. Mandated spending increases need to be reevaluated within the context of this education funding priority and the Governor's tax relief proposals.

Economic conditions remain precarious as a result of COVID-19. High rates of inflation and workforce shortages may be short lived or persist, thereby impacting the Maryland economy. While current budget forecasts project structural surpluses, the impact of the ongoing COVID-19 pandemic continues to present a significant budgetary vulnerability. The Department continues to urge the General Assembly to focus on maintaining the structural budget surplus.

**For additional information, contact  
Barbara Wilkins at (410) 260-6371 or [barbara.wilkins1@maryland.gov](mailto:barbara.wilkins1@maryland.gov)**