



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

House Bill 0114
Access to Counsel in Immigration Proceedings Program
Judiciary Committee – February 2, 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 HB0114. 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



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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 HB0114 and strongly urge a favorable Committee report.

Respectfully,

Leslie Milano
President