



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 114 - Access to Counsel in Immigration Proceedings Program

To: Delegate Luke Clippinger, Chair, and Members of the Judiciary Committee

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

Date: February 2, 2022

Thank you for the opportunity to provide written testimony in support of SB 129 that will offer legal representation to poor people who are detained and 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

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 \(americanimmigrationcouncil.org\)](#)