

HB 114 – SUPPORT
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"Access to Counsel in Immigration Proceedings Program"
House Judicial Proceedings Committee
February 2, 2022

Dear Chair Clippinger and members of the House Judiciary Committee:

My name is Katharine Gordon and I am a staff attorney at Capital Area Immigrants' Rights (CAIR) Coalition. I am also a resident of Montgomery County. As an working with Maryland residents in immigration detention, I am writing to express my support for HB 114: "**Access to Counsel in Immigration Proceedings Program.**" Since February 2020 I have worked as a staff attorney at the Capital Area Immigrants' Rights Coalition, representing detained and formerly detained people with serious mental illness.

One of the most devastating parts of immigration detention continues to be the impact of transfer of detained people away from their community. Since 2004 I have worked on issues involving immigration detention. I first worked in Arizona as a paralegal, where I worked with the most amazing, but almost all unrepresented immigrants who had nobody to fight for them. I worked with sons, brothers, fathers, and grandfathers who, with an attorney, would have had a good claim for relief. However, in large part, they were transferred from communities across the country—where they had families, community organizations, and attorneys—to the middle of the Arizona desert where, they had almost no access to representation. I was able to help screen them for relief and to teach them how to represent themselves, but at that time, there weren't attorneys available to take their cases. Many people were deported and permanently separated from their families and communities as a result. **Not because of the strength of their case, but rather because they had been transferred away from attorneys who could help them.**

This experience led me to obtain my law degree at the George Washington University School of Law, and since 2008 I have been a disability rights and immigration attorney. However, even as I have worked as a legal assistant and then as an attorney approaching nearly two decades, detained immigrants still are denied relief, not because of the merit of their case, but because of their lack of access to counsel. Detained clients are 10.5 x more likely to lose their cases when they don't have a lawyer. Ingrid V. Eagly & Stephen Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 PENN. L. REV. 1, 49 (2016).

While it is undeniably a positive development that Maryland is phasing out immigration detention by October 2022, I know that this will not mean an end to the detention of people who are essential to the fabric of the Maryland community. These individuals will likely be transferred throughout the country. HB 114 is transformative legislation. If passed, detained individuals held far away from their Maryland communities will have representation, and therefore will have the chance to fully pursue their immigration cases. This will mean that fewer Maryland families will be permanently torn apart. **I urge a favorable report on HB 114.**

Sincerely,



Katharine Gordon