

TESTIMONY ON SENATE BILL 245 - FAVORABLE

Public Safety – Immigration Enforcement Agreements – Prohibition

Senate Judicial Proceedings Committee, January 22, 2026

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Dear Chair Smith and Vice Chair Waldstreicher,

My name is Joanna Silver. While I am testifying in my personal capacity, I have worked for over twenty years as a Federal Public Defender in the District of Maryland, representing people caught in both the criminal and immigration systems.

From that experience, I can tell you that ICE's current practices are cruel, disregard due process, and undermine, rather than enhance public safety.

For example, I represented an individual who returned to the US after being deported because he was threatened with violence in his home country. He was charged with the federal crime of illegal reentry and while that case was pending, an immigration judge granted him protection from future deportation under the Convention Against Torture.

This individual served his criminal sentence, was released, and was doing well under supervision. But after Trump took office, ICE arrested him again and deported him to a third country. Within weeks, that country sent him back to his home country; the very place he fled out of fear of persecution; the very place an immigration judge had ruled he could not safely return to.

While we expected a sharp increase in illegal reentry prosecutions - particularly for people with serious criminal histories, that increase never came. Instead, ICE has been focusing its resources on deporting, rather than prosecuting, as many people as they can get their hands on, regardless of what their immigration or criminal history is. For example, we saw our illegal reentry numbers drop when all of the ICE agents in our region occupied DC this Summer.

In keeping with ICE's myopic focus on deporting as many people as possible, I have seen judges release people in their federal criminal case to await trial under supervision in the community, only for ICE to deport them immediately, before they can go to trial. To be clear: we have one federal agency, the Department of Homeland Security, undermining the work of another federal agency, the Department of Justice; with deportation prioritized over accountability for alleged criminal conduct.

Finally, in recent months I have seen a number of individuals arrested on the street by ICE with no probable cause — sometimes simply for standing near someone else who was being targeted - what we call a “collateral” arrest. I have seen these cases because when those individuals

resisted their unlawful arrest, they were prosecuted federally, and the fact that their arrest was unlawful in the first place is not a defense to their charge.

These cases illustrate that ICE does not have the best interests of our local community in mind; they do not care about public safety, they care about terrorizing immigrants and meeting deportation quotas. These actions make our communities less safe and destroy trust in law enforcement. This state must protect its immigrant residents. I urge you to issue a favorable report on SB245.