

March 4, 2020

Maryland General Assembly
90 State Cir.
Annapolis, Maryland 21401

RE: SUPPORT FOR FUNDING OF STATEWIDE UNIVERSAL REPRESENTATION PROGRAM IN MARYLAND

Dear Members of the Maryland General Assembly:

The 43 undersigned Maryland and national immigrant, labor, faith, civil rights, and legal organizations respectfully request that you fund a statewide universal representation program for Maryland through the FY 2021 budget. Under a universal representation program, Maryland would fund legal representation in civil immigration court for detained Maryland residents who are in deportation proceedings and cannot otherwise afford representation. The program would also provide critically needed wraparound support services for these individuals and their families. In all, such a program would serve approximately 513 Marylanders every year at a cost of \$3.2 million.¹ Maryland's adoption of a universal representation fund would guarantee due process for noncitizen residents with deep ties to the state; improve the state's fiscal outlook by reducing the collateral costs of deportation; and follow in the footsteps of over two dozen other jurisdictions that have enacted similar programs.

Under our nation's immigration laws, noncitizen immigrants, regardless of status, are not entitled to legal representation at government expense.² Unlike criminal court, where all indigent defendants are provided with counsel, immigrants are forced to fight their cases on their own. This includes individuals with lawful permanent resident status ("green card holders"), those with temporary status (like Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS), among others), survivors of gender-based violence, and undocumented individuals—many with decades of residency in Maryland. This lack of representation is particularly problematic considering that deportation proceedings, which are civil in nature, often resemble criminal justice proceedings, including long periods of incarceration and severe consequences, such as permanent expulsion from the country and permanent separation from one's family.

Maryland is home to more than 900,000 noncitizens, representing approximately 15% percent of the state's population.³ There are over 22,500 individuals in Maryland who hold TPS from El Salvador, Honduras, and Haiti; virtually all of whom will lose that protection within the next two years.⁴ Correspondingly, nearly 18,400 U.S. citizen children in Maryland have one or more parents who are TPS holders that, upon deportation, may be shuttled into local foster care

¹ Memorandum from CASA and Partners to Maryland General Assembly Members on Proposal for Statewide Universal Representation for Immigrants in Maryland (Feb. 25, 2020), available at <http://bit.ly/2ImxxAZ>.

² 8 U.S.C. § 1362 (West 2020).

³ American Immigration Council, Fact Sheet, Immigrants in Maryland, October 16, 2017, https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf.

⁴ CAP Immigration Team, *TPS Holders in Maryland*, Center for American Progress, Oct. 20, 2017, available at https://cdn.americanprogress.org/content/uploads/2017/10/19130127/101717_TPSFactsheet-MD.pdf.

systems.⁵ Maryland is also home to upwards of 40,000 individuals who currently hold or would have been eligible for DACA, all of whom will eventually be subject to deportation.⁶

Legal counsel makes a significant difference in immigration court proceedings, with represented noncitizens being more likely to identify, apply for, and secure immigration relief (i.e., the ability to remain in the United States).⁷ In the Baltimore Immigration Court—where most Maryland residents appear for their case—representation quadrupled the likelihood that a noncitizen would successfully win their case.⁸ Overall, with legal representation, detained immigrants in Maryland are 71 percent likely to win their deportation cases and stay in our country and communities.⁹

Everyone deserves the right to due process, fairness, and dignity and should be afforded the opportunity to identify, apply for, and receive the immigration relief they are entitled to under our nation’s laws. In this spirit, we respectfully ask that the General Assembly establish and fund a universal representation program for Marylanders. Thank you for your consideration of this request. If you have any questions or would like to discuss this request further, please feel free to contact Kim Propeack at kpropeack@wearecasa.org or (301) 379-7461.

Sincerely,

Maryland Organizations

ACLU of Maryland

CAIR Coalition

CASA

Catholic Charities of Baltimore, Esperanza Center (Immigration Legal Services)

Cedar Lane Unitarian Universal Church Immigrant Justice Ministry

Chesapeake Multicultural Resource Center

Christ Congregational Church

Congregation Action Network

International Rescue Committee

Jews United for Justice

Kids in Need of Defense (KIND)

Maryland Access to Justice Commission

Montgomery County Civil Rights Coalition

Montgomery County Deportation Defense Coalition

Public Justice Center

⁵ *Id.*

⁶ Sarah Hooker and Michael Fix, *County-Level View of DACA Population Finds Surprising Amount of Ethnic & Enrollment Diversity*, Migration Policy Institute, Sept. 2014, available at <https://www.migrationpolicy.org/news/county-level-view-daca-population-finds-surprising-amount-ethnic-enrollment-diversity> (Click on “Profiles for U.S. and 41 States + Ranges of Error”).

⁷ Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court*, American Immigration Council, Sept. 28, 2016, available at <https://www.americanimmigrationcouncil.org/research/access-counsel-immigration-court>.

⁸ Maggie Corser, *Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area 1*, Center for Popular Democracy, April 5, 2017, available at <https://populardemocracy.org/news-and-publications/legal-aid-could-save-thousands-immigrants-dc-area-deportation>.

⁹ Email Interview with Kelly White, Program Director, Detained Adult Program, Cair Coalition (Feb. 27, 2020) (on file with author).

Sanctuary DMV
Showing Up for Racial Justice - Montgomery County, MD
Sisters of the Good Shepherd, Silver Spring, MD
Takoma Park Mobilization
The Fund for Change
TIA Prince George's County
Transit Immigrant Assistance, Silver Spring
University of Maryland Carey Immigration Clinic

National Organizations

African Communities Together
Center for Popular Democracy
Church World Service
Congregation of Our Lady of the Good Shepherd, US Provinces
HIAS
Hispanic Federation
Indivisible Howard County
Jobs With Justice
Lutheran Immigration and Refugee Service
MALDEF (Mexican American Legal Defense and Educational Fund)
Montgomery County ACLU
National Advocacy Center of the Sisters of the Good Shepherd
National Coalition for a Civil Right to Counsel
National Immigrant Justice Center
National Immigration Law Center
Tahirih Justice Center
The Black Alliance for Just Immigration (BAJI)
United We Dream
Vera Institute of Justice
Washington Office on Latin America (WOLA)