



Unitarian Universalist Legislative Ministry of Maryland

Shared voices for liberal religious values in Maryland

Testimony in Support of SB 317 - Office of the Attorney General - Right to Counsel in
Immigration Proceedings Coordinator

To: Senator Will Smith, Chair, and Members of the Judicial Proceedings Committee

From: Jim Caldiero, Co-Chair, Immigration Task Force, Unitarian Universalist Legislative
Ministry of Maryland

Date: January 27, 2021

Thank you for the opportunity to provide written testimony in support of SB 317 that will offer legal representation to poor people facing deportation.

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, death, torture, persecution in their country of origin once deported. 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* do not apply.

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. 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.

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.

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 counsel 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.

I urge you to vote in favor of SB 317.

Thank you for your consideration.

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Sources:

The VERA Institute Report, The Case for Universal Representation,
<https://www.vera.org/advancing-universal-representation-toolkit/the-case-for-universal-representation-1>