

HB 0750 – SUPPORT
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Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator
House Judiciary Committee | March 3, 2021

Dear Chair Clippinger and members of the House Judiciary Committee:

My name is Emma Hofman and I am a legal assistant at Capital Area Immigrants' Rights (CAIR) Coalition. I was born and raised in Montgomery County where most of my family still resides. As a legal assistant working with Maryland residents in immigration detention, I am writing to express my support for HB 0750: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

I have been working with detained immigrants in DC, MD, and VA for a year now. Before this, I worked with asylum seekers in Greece. As someone deeply connected to both Montgomery County and immigrant justice work, I find this bill to be the bare minimum for a decently equitable approach. As a legal orientation provider at CAIR Coalition, I have seen how harmful it is to limit counsel for detained immigrants. I have spoken to countless individuals who simply lack the resources to be heard in our immigration system; this truth has resounding effects of injustice for not only immigrants but also entire communities in our state.

As one of the frontline workers in detained immigrant legal services, I think it is practically impossible for an immigrant to win their immigration case from jail, especially considering the quality of ICE facilities. In our legal orientation team, when an individual wins their case without representation, it is truly an anomaly; I can only recall three people without representation who have been granted protection. I have also discovered that detained populations are often some of the most marginalized. I have worked with individuals who are illiterate; some with severe mental health concerns; some with ongoing trauma; and many other factors that would inhibit someone's abilities in immigration court. Even for someone without these issues, the immigration system is intentionally built for the noncitizen to fail.

I have yet to work with a client that has not experienced heightened mental health issues in jail. Taking on the emotional burden of detention, being separated from loved ones, and trying to find a lawyer while no longer able to make money are just a few issues that set detained immigrants up for failure.

While I am confident in my abilities, I am not a lawyer. I am unable to advise clients as to what would be best. Currently we are working completely remotely, so my only opportunity to provide information without charge is when they are able to call the CAIR Coalition hotline that cuts off after 15 minutes. I have also heard countless complaints about access to law libraries even if the individual has the capacity to do their own research. I put countless hours into each filing, but at the end of the day, I have to trust that the individual can maintain their composure in court, explain their claim thoroughly, and do a good enough job to convince the judge that they are worthy of an opportunity to stay in this country.

I support HB 0750 because I believe in an America that provides equitable opportunity. Detained clients are 10.5 times more likely to lose their cases when they do not have representation.¹ I have seen this injustice up close. I dream of a day when I am proud of my home state's ability to protect marginalized populations. Thank you for reading my testimony, I urge a favorable report on HB 0750.

¹ Ingrid V. Eagly & Stephen Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 PENN. L. REV. 1, 49 (2016), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review