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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 26, 2021

The Honorable Luke Clippinger, Chairman
Maryland General Assembly House Office Building
Judiciary Committee
6 Bladen Street
Annapolis, MD 21401

Dear Chairmen Clippinger and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of ourthem, I am writing to express FAIR’s strong opposition to House Bill (HB) 750. FAIR opposes providing legal representation to illegal aliens in immigration proceedings.

Under HB 750, illegal aliens who live in Maryland will be provided legal counsel, at taxpayer expense, in removal proceedings just after the action is initiated and not concluding until a final judgment is issued by the Board of Immigration Appeals and all other legal matters have been resolved, even if the person being represented is no longer in Maryland.

This bill to provide taxpayer-funded legal representation to illegal aliens undermines federal law. Federal law expressly prohibits governments from funding the legal representation of aliens in removal proceedings. Aliens who wish to be represented by legal counsel are free to do so, but federal law specifies that it must be at no cost to the taxpayers. See [8 U.S.C. 1229a\(b\)\(4\)](#); [8 U.S.C. 1362](#).

Many who support the right of illegal aliens to be given free legal representation in immigration removal proceedings compare deportation to criminal prosecutions. In a criminal prosecution, the Sixth Amendment to the U.S. Constitution guarantees the accused the right to have the assistance of counsel for his/her defense, including at taxpayer expense if indigent. See



Gideon v. Wainwright, 372 U.S. 335 (1963). However, immigration proceedings, including those for removal, are civil and not criminal and do not trigger a right to counsel. In fact, the the Supreme Court has ruled that deportation is not a punishment, but rather a civil administrative procedure whereby someone residing illegally in the United States is returned to their homeland.

Moreover, providing counsel at taxpayer expense to those illegally in the country is patently unfair. Taxpayer-funded legal representation is generally unavailable to citizens or legal immigrants who face civil proceedings such as foreclosures, evictions, divorce, child custody, and even non-criminal administrative disputes with government, such as disputes over taxes, licensing or zoning. Therefore providing this representation to illegal aliens is misguided and patently unfair to the citizens and legal residents who are required to pay out of pocket for their own civil proceedings.

Additionally, the bill requires the coordinator in the Attorney General's Office to designate community groups to "educate individuals and families impacted by immigration detention by hosting 'know-your-rights' workshops, distributing written information, assisting communities in the formation and maintenance of neighborhood defense committees and any other activity to inform individuals about their rights."

This bill uses taxpayer funds to support and advance a politicized agenda. Instead of directing resources to the needs of the community as a whole, it is promoting welfare rights for those who are here in the country illegally, those who are violating federal law simply by their very presence in the United States. In the middle of a pandemic when thousands of Marylanders are struggling economically, this legislation is a drain on the state's ability to help the needy. It will also encourage additional illegal immigration, thus further straining already limited resources. HB 750 tells Maryland residents that certain segments of the population are more important than others and entitled to special privileges.

For the aforementioned reasons, FAIR opposes HB 750. I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall