

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 Ellen Watlington and I am an attorney at Capital Area Immigrants' Rights (CAIR) Coalition. I am also a resident of Maryland living in Baltimore City. I am writing to support HB 0750: Office of the Attorney General – Right to Counsel in Immigration Proceedings Coordinator.

It is integral that people in immigration proceedings have counsel. People in immigration proceedings confront an obscenely complicated area of law. It is unjust that we ask them to navigate this convoluted system alone – and in detention no less – when the outcome often means life and death.

I have been working with immigrant communities for eight years. I was a public school teacher in a largely immigrant community before attending law school at Georgetown University. I then earned an Immigrant Justice Corps Justice Fellowship, which is funding my two-year position at CAIR Coalition where I work on the Prince George's County Universal Representation Team. In this position, I see the immense difference that guaranteed representation makes for noncitizen individuals and their community.

This bill is especially critical for the subset of clients that CAIR Coalition works with – detained clients. Clients in detention are isolated from information, resources, and family support, all things that they need in order to win an immigration case. One of my clients has been in administrative segregation for over three months through no fault of his own. He gets 15 minutes a day to shower and use the phone. Sometimes, I can request private calls with him, but the frequency and duration of those calls are limited depending on the volume of other call requests that day. Sometimes we only get 30 minutes once a week.

The immigration judge granted this client asylum, but he is in detention because the government appealed the decision. If he had not had counsel, I fear what would have happened. He would have had to learn immigration law in a foreign language, gather documentation from his home country of his persecution, and research the conditions of his home country to corroborate his story, all while in solitary confinement, within the 15 minute window of time he has a day to communicate with the outside world. An asylum case takes me a minimum of one full-time month to put together. That is a minimum of 160 hours of work. How – with the immense barriers he faces – would he have been able to do that himself?

This client is not unique. The combined challenge of navigating a foreign court system while also detained is a nearly insuperable one. Even those who undoubtedly merit asylum or other immigration relief are almost always unable to complete the confusing procedures necessary to prove their. The data is there – detained clients are 10.5 x more likely to lose their cases when they do not have a lawyer.¹

Once my client's appeal is settled, he hopes to leave detention and start a new life, one where police officers do not torture him daily as they did in his home country. Thanks to his courage that got him here and the good fortune of securing legal representation, he has a much brighter future ahead. All people deserve that chance, which is why 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.