May 1, 2018

Hans Riemer  
President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Re: Special appropriation FY18 Operating Budget - DHHS - $373,957 for Legal Representation for Residents Detained for Deportation Proceedings

Dear Councilman Riemer:

On behalf of the American Bar Association (ABA) and its more than 400,000 members, I write to express support for the proposed special appropriation to provide funding for legal representation for residents detained for deportation proceedings.

The ABA has long emphasized the importance of representation in removal proceedings, where a lawyer’s assistance is essential for a noncitizen to fully understand and effectively navigate the complexities of the U.S. immigration system. Pro se litigants are usually unfamiliar with immigration laws and court procedures, which can create delays that impose a substantial financial cost on the government. The presence of competent counsel helps to clarify the legal issues, allows courts to make better informed decisions, and can speed the process of adjudication.

Moreover, whether a person has legal representation also has been shown to significantly impact the outcome of proceedings. Once recent study noted that detained immigrants and asylum-seekers with representation, when compared to their unrepresented counterparts, were ten-and-a-half times more likely to succeed (i.e., obtain a grant of relief or termination).\(^1\) Unfortunately, recent statistics show that only about 37% of those in removal proceedings – and 14% of those detained – are represented by counsel.\(^2\)

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\(^2\) Id.
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For these reasons, the ABA has long supported the right to appointed counsel for vulnerable populations, such as unaccompanied children and the mentally ill and disabled. In 2017, the ABA adopted a policy extending our support to include appointed counsel at federal government expense to represent all indigent persons in removal proceedings. Until such federal funding is provided, we encourage state, local, territorial, and tribal governments to provide legal counsel to all indigent persons in removal proceedings in their jurisdictions who lack the financial means to hire private counsel and who lack pro bono counsel. The policy further urged that such funding prioritize government-funded counsel for detained individuals in removal proceedings.

In our view, the fair and efficient operation of the immigration court system is fundamentally linked to the issue of access to counsel and legal information. We believe that providing funding for legal representation for residents detained for deportation proceedings in Montgomery County will benefit the detainees and their families, as well as the community, and we urge you to support this proposal.

Thank you for your consideration of our views.

Sincerely,

Thomas M. Susman