

MARCH 2017

# ACCESS TO JUSTICE:

Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area

## ACKNOWLEDGMENTS

---

This report was researched and written by Maggie Corser at the Center for Popular Democracy. The report was edited by Emily Tucker and Andrew Friedman (Center for Popular Democracy); Claudia Cubas and Adina Appelbaum (CAIR Coalition); and Avidah Moussavian (National Immigration Law Center). Statistical analysis support in Stata was provided by Mark Davis. Technical assistance on interpreting Department of Justice data was provided by Jennifer Stave at the Vera Institute of Justice.

This report was made possible through the generous support of the Morton K. and Jane Blaustein Foundation.

# Access to Justice: Ensuring Counsel for Immigrants Facing Deportation in the D.C. Metropolitan Area

## Executive Summary

Every year, thousands of immigrant community members in the D.C. metropolitan area face detention and deportation because they cannot afford a lawyer. Many of these individuals have legal claims they could assert for their right to remain in the United States. However, without the assistance of legal counsel to help navigate the extremely complex area of immigration law, they are unable to articulate those claims to an immigration judge. Even though deportation is one of the most serious legal consequences that a person can face, and despite the fact that immigrants may be jailed for the duration of their immigration court proceedings, immigrants facing deportation have no established constitutional right to appointed counsel. As this report illustrates, individuals without lawyers face significant challenges and rarely receive favorable immigration court outcomes. Among detained immigrants without lawyers in the D.C. metropolitan area, people in Arlington were only successful in their cases 11 percent of the time and unrepresented people in Baltimore were only successful 7 percent of the time. In stark contrast, having a lawyer in Arlington more than doubled a person's chances of being able to remain in the U.S. and quadrupled a person's chance of obtaining relief in Baltimore.

A person's case outcome should be determined by the merits of his or her claim, not their ability to pay legal fees. **In light of the report findings, the Center for Popular Democracy calls on elected officials, in partnership with service providers, to establish a publicly funded universal representation program for immigrants facing detention and deportation in Arlington, Virginia and Baltimore, Maryland.** After New York became the first city in the country to guarantee legal representation for people in immigration court proceedings, immigrants' chances of winning their cases increased by 1,000 percent. A growing number of cities around the country have passed or are considering similar programs in recognition of both the human and financial toll of

## The Will to Surmount: The Impact of Legal Representation for One Local Maryland Family

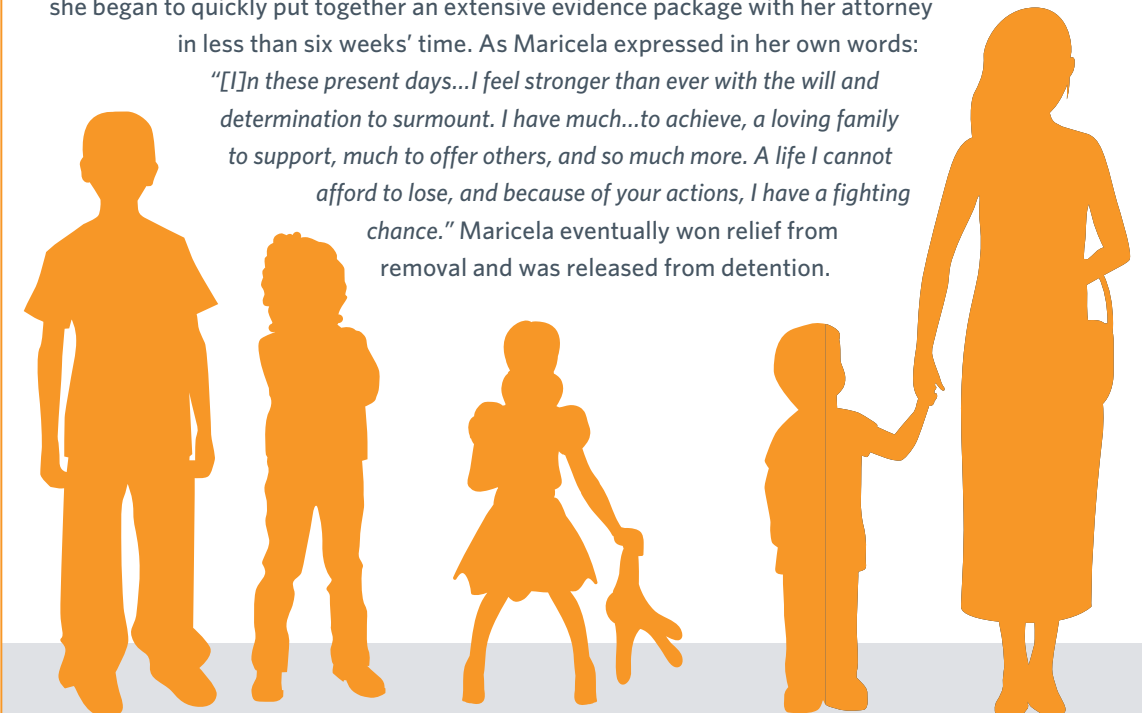
**In 2016 Maricela,<sup>1</sup> a mother of four young U.S. citizen children, was facing immigration detention and deportation.** A long-term lawful permanent resident (or “green card holder”) who had lived in the U.S. since she was eight years old, Maricela was introduced to pain-killers as an adult after being hospitalized for an accident and subsequently developed an unhealthy pain-killer dependency. After she was convicted for possession of a controlled substance on two separate instances, Immigration Customs and Enforcement placed Maricela in removal proceedings and detained her at the Worcester County Jail, a remote facility three and a half hours away from Washington D.C., on the eastern shore of Maryland.

Despite being fluent in English, she felt overwhelmed asking the judge for help. She was uneasy submitting an application for relief. Though she had taken a month to prepare the application, she felt it was riddled with errors. Maricela felt desperation and anxiety over her impending deportation to a country she did not know. She worried about the permanent separation she faced from her four minor children and felt tremendous grief, shame, and pain as she contemplated her family’s future and her own fate. She feared appearing alone in court, and having to expose the intimate details of her life in front of a judge and an attorney from the government who was seeking to deport her.

With the help of a local legal service organization, the Capital Area Immigrants’ Rights (CAIR) Coalition, Maricela secured a pro bono attorney to represent her case. Maricela’s spirit and demeanor greatly changed. Her panic seemed to subside as she focused her energy on fighting her case, taking the steps necessary to rebuild her life, and engaging in critical thinking with her attorney about relevant evidence and witnesses to provide in her defense. Previously, CAIR Coalition staff had encountered difficulty in helping Maricela focus on creating a plan of action to gather evidence and represent herself. However, after counsel was secured, she began to quickly put together an extensive evidence package with her attorney

in less than six weeks’ time. As Maricela expressed in her own words:

*“[I]n these present days...I feel stronger than ever with the will and determination to surmount. I have much...to achieve, a loving family to support, much to offer others, and so much more. A life I cannot afford to lose, and because of your actions, I have a fighting chance.”* Maricela eventually won relief from removal and was released from detention.



detention and deportation. Access to counsel not only ensures the legal process is fair, it ensures the process is efficient, with qualified lawyers effectively navigating the courtroom and judges receiving fewer requests for delays in hearings as well as appeals. Finally, legal counsel helps immigrants avoid unnecessary detention which, at an estimated \$158 per day to detain one immigrant, is a costly and inefficient use of taxpayer dollars.

Guaranteed access to counsel will ensure immigration proceedings reflect core U.S. values of justice, due process, and fair outcomes. Since President Trump took office in January 2017, the need to provide a fair court process for immigrants in removal proceedings is more urgent than ever. Within President Trump's first week in office, the new administration began taking steps to increase the already record high number of annual deportations, issuing a slate of constitutionally questionable executive orders directing the expansion of the deportation dragnet and of detention capacity. Within the first two weeks, communities began reporting Immigration Customs and Enforcement raids in their courthouses, places of employment, and homes. Since the inauguration, several cities—including the District of Columbia—have announced their intention to create deportation defense funds to support those targeted by the President's policies.

The negative consequences of mass deportation are not limited to deported individuals and their loved ones. Immigrants are a vibrant part of the local D.C. metropolitan area, contributing to the social and cultural fabric and boosting the local economy. Harsh immigration enforcement impacts people who are torn apart from their families, small-business owners and workers who lose their livelihoods, as well as local employers and city and state governments who incur numerous costs and negative economic impacts stemming from over-enforcement. Based on our projections, every year Virginia state employers pay an estimated \$6 million, and Maryland employers an estimated \$5.9 million, in avoidable turnover-related costs as they are forced to replace detained or deported employees. In addition to the devastating human costs of family separation, cities and states often incur costs to public health insurance programs and foster care services when children of immigrants are detained and deported—based on estimates, this costs the state of Virginia nearly \$1 million and the state of Maryland nearly \$900,000 every year.

Family unity contributes to social and economic stability. When families thrive, it reduces the long-term costs to both states and cities that provide public services. An access to counsel program will demonstrate the commitment of local policymakers to their immigrant constituents—which is particularly crucial at a time when we anticipate much more aggressive immigration enforcement—and reduce the dramatic disparities in outcomes in removal proceedings for those detained immigrants who do not have legal representation.



## Key Findings

- Immigrants in the United States have no federal right to appointed counsel in immigration court. This violates fundamental legal safeguards including due process and equal treatment under the law. Despite the fact that many of these individuals have valid claims to stay in the U.S., many detained immigrants are ultimately deported because they cannot afford a lawyer and are unable to navigate the notoriously complex immigration court system and laws on their own.
- Every year, nearly 4,000 people in Washington, D.C. metropolitan area courts, Arlington, Virginia, and Baltimore, Maryland, face deportation in civil immigration court without the assistance of a lawyer. Based on original data analysis of Department of Justice records obtained through a Freedom of Information Act request, seven out of ten detained individuals in immigration court removal proceedings in Arlington, VA and eight out of ten in Baltimore, MD did not have any legal representation.
  - People without lawyers faced enormous odds in fighting their deportation cases. Among detained immigrants without lawyers, people in Arlington were only successful in their cases 11 percent of the time and unrepresented people in Baltimore only successful 7 percent of the time.
  - Having a lawyer in Arlington more than doubled a person's chances of being able to remain in the U.S. and quadrupled a person's chance of obtaining relief in Baltimore.
- Between 2010 and 2015, Immigration and Customs Enforcement (ICE) detained nearly 15,000 people in local and county jails<sup>2</sup> throughout the states of Maryland and Virginia. In both regions, people who did not have lawyers were more than twice as likely to remain detained during the entirety of their immigration case, even if they may have been eligible for release on bond.
- Detention and deportation can tear apart families and destabilize our economy. It impacts small-business owners and workers who lose their livelihoods, as well as local employers and city and state governments who incur numerous costs from disruption to businesses and our economy.
- After New York became the first city in the country to guarantee government-appointed legal representation for detained immigrants who could not otherwise afford a lawyer, immigrants' chances of winning their cases increased by 1,000 percent.<sup>3</sup> Many of the individuals who obtain access to counsel are long-time, lawful permanent residents with deep ties to their communities. As a result of its success, this program expanded throughout the state of New York and a growing number of areas around the country are now considering similar programs.

## Introduction

While deportation is one of the harshest punishments an individual can face under U.S. law, immigrants currently have no right to government-appointed counsel in immigration court during removal proceedings. In practice, this means that the vast majority of immigrants who are detained and facing deportation cannot afford to hire a private attorney. Eighty-six percent must fend for themselves in a complex legal system alone against a government-trained lawyer.<sup>4</sup> They must represent themselves in a high stakes court setting, often in their non-native language, with limited ability to obtain and present supporting evidence and legal arguments to make a case. The individuals range from asylum seekers and survivors of trafficking and domestic violence, to individuals who overstayed visas or entered without authorization, to lawful permanent residents who are deeply rooted in their communities.<sup>5</sup> Regardless of the circumstances that lead a person to immigration court, individuals without lawyers face significant challenges and rarely receive favorable immigration court outcomes. This is particularly the case for immigrants who are detained by ICE. Despite valid claims to stay in the U.S., many detained immigrants are ultimately deported.<sup>6</sup>

While all criminal defendants in the U.S. have a constitutionally-protected right to legal representation, this right is not extended to individuals in immigrant courts. Immigration proceedings are considered civil in nature (no violation of criminal law is at stake) with penalties that are supposed to be non-punitive; however, as the Supreme Court acknowledged in the landmark 2010 decision *Padilla v. Kentucky*, immigrants face a severe punishment of deportation. This results in a system which, for many, means the possibility of death or permanent exile from loved ones in the U.S.—without the same level of due process of those in criminal court.<sup>7</sup> This is true despite the fact that immigrant detainees often face identical conditions to U.S. citizens who are incarcerated in prisons. In fact, the majority of people detained based on civil immigration law are held in county jails, often the same facilities where individuals are serving sentences for criminal convictions. People held in immigration detention can be jailed indefinitely without the constitutional protection of appointed counsel.

Over the last twenty years, the number of immigrants ICE detains each year has increased exponentially. Eight times the number of people are now regularly detained each year than were detained in the mid-nineties.<sup>8</sup> The Trump administration has pledged to drastically expand the number of people detained. Immigration courts are increasingly declining to release immigrants from detention as a way to ensure their attendance at removal proceedings, although numerous alternatives to detention have resulted in positive appearance rates and have been shown significantly less costly and punitive.<sup>9</sup> For those without a lawyer, this often results in immigrants being needlessly detained, sometimes for months or years, even when they are eligible to be released on bond. While the average length of stay in immigration detention is 33.5 days, many individuals remain behind bars for months or years before their cases are resolved simply because they do not have a lawyer.<sup>10</sup>

Not only does being detained make it even more difficult to obtain relief in immigration court, it also imposes a wide range of other burdens on immigrants and their families. Those detained for long periods of time may lose their jobs or even custody of their children. When families lose the primary breadwinner they face compounding levels of poverty and the risk of eviction. In addition, ICE detention facilities are remote, which makes visiting to maintain family unity difficult. Medical care is also notoriously poor, and detained individuals often have difficulty receiving the treatment and medication they need to stay healthy.

## Immigrant Communities in the Washington, D.C. Metropolitan Area

Immigrants are a vibrant part of the local Washington D.C. metropolitan area, contributing to the social and cultural fabric and boosting the local economy. Many have deep, longstanding ties to the metropolitan area which extends to and beyond Arlington and Baltimore. One in five metropolitan area residents is foreign-born.<sup>11</sup> As of 2013, the D.C. metropolitan area was ranked as the seventh largest concentration of immigrants in the country.<sup>12</sup> Of the almost six million people living in the metropolitan area, 22 percent of the population is foreign-born and over half of that group, 53 percent, are not U.S. citizens.<sup>13</sup> Since the 1990s, the local immigrant population has hailed from almost 200 countries with the top ten countries of origin including: El Salvador, India, Korea, Mexico, Vietnam, Philippines, China, Guatemala, Peru, and Ethiopia.<sup>14</sup> Forty percent come from Latin America or the Caribbean.<sup>15</sup>

The D.C. metropolitan area immigrant community is diverse and includes individuals with lawful permanent residence status (e.g. those with green cards), individuals who are undocumented, as well as some in either of these categories who have past criminal convictions for which they have already served their sentence and demonstrated rehabilitation. They are all affected by an aggressive immigration enforcement environment that relies heavily on detention and deportation and tears apart families. It appears likely that the Trump administration's approach to immigration enforcement will also increasingly affect visa-holders in the metropolitan area. These individuals range from university students pursuing undergraduate and graduate degrees, officials at international agencies like the World Bank, and highly skilled employees in the technology industry. This over-enforcement also hurts small business owners and workers who lose their livelihoods, as well as local employers and city and state governments who see numerous negative economic impacts of punitive detention and deportation.

## A Violation of Due Process & Principles of Fundamental Fairness

The Sixth Amendment guarantees all criminal defendants access to legal representation. Unfortunately, this right is not extended to individuals in immigrant courts which are considered "civil" not criminal courts.<sup>16</sup> The Center for Popular Democracy has previously highlighted how immigration court proceedings resemble criminal courts in three important ways:

- 1) They involve direct and severe restrictions on physical liberty;
- 2) A negative outcome results in separation from family and community, and;
- 3) Many immigrants in removal proceedings are confined in county jails and Department of Homeland Security detention centers, in conditions identical to those of criminal defendants.<sup>17</sup>

Guaranteeing that every person in a court setting has a lawyer is a fundamental legal safeguard that ensures equal treatment under the law. Unfortunately, people who are in immigration proceedings can only secure legal counsel "at no cost to the government."<sup>18</sup> In practice, this means that the majority of individuals in immigration court, who cannot afford prohibitively expensive legal representation, are



left without any support—this is particularly the case for detained immigrants, the majority of whom are indigent. This represents an enormous failure of the principles of fairness and due process.

As the Department of Justice Executive Office for Immigration Review (EOIR) itself notes, “many individuals who appear before EOIR are indigent and cannot afford a private attorney.”<sup>19</sup> In the D.C. metropolitan area, non-citizens have a median household income of \$37,200 for men and \$31,600 for women.<sup>20</sup> This means that most individuals cannot afford prohibitively high legal fees, particularly while detained and unable to work.

**The impact of access to counsel is significant: a person is far more likely to successfully defend against deportation if represented by counsel. Nationally, people with lawyers are 15 times more likely to apply for relief from deportation during removal proceedings and have a five-and-a-half times greater chance of getting a successful case outcome.**<sup>21</sup>

A person’s case should be determined by the merits of his or her claim, not their ability to pay legal fees. The right to counsel in immigration court is particularly needed as many individuals qualify for legal relief from deportation but do not know because they haven’t been able to consult a lawyer who can help them understand complex immigration laws, resulting in wrongful deportations.<sup>22</sup> Providing every immigrant with access to high-quality legal representation would help ensure that immigration court proceedings reflect the principles of due process and fairness and proper application of federal immigration law. In addition to ensuring the legal process is fair, access to counsel ensures the process is efficient, with qualified lawyers effectively navigating the courtroom and judges receiving fewer requests for delays in hearings as well as appeals. Finally, legal counsel helps immigrants avoid unnecessary detention which is a costly and inefficient use of taxpayer dollars.

A person’s case should be determined by the merits of his or her claim, not their ability to pay legal fees.

## National Rates of Legal Representation

In 2014, the U.S. government deported a near record high number of immigrants with approximately 414,500 people forcibly removed from their families and communities.<sup>23</sup> When looking at deportation rates over seven years (from 2008-2014), that number skyrockets to nearly 2.8 million people.<sup>24</sup> Every year the Department of Justice (DOJ) tracks the number of immigrants who secure legal representation at some point in their court processes. Based on the UCLA School of Law’s analysis of DOJ data on 1.2 million deportation cases from 2007 to 2012, it found that “only 37 percent of all immigrants, and a mere 14 percent of detained immigrants, secured representation.”<sup>25</sup> An immigrant may request additional time to find counsel (a continuance) and this study found detained immigrants spent an average of 33 days looking for counsel. The majority of individuals are not successful in finding legal assistance which impacts their case outcomes and is costly to the government (it costs an estimated \$158 a day to detain an immigrant), wasting taxpayers’ money and eroding due process.<sup>26</sup>

In response to these troublingly low rates of representation, and the sharp contrast in successful case outcomes for people with lawyers, advocates have increasingly pushed for reforms. After mounting public pressure, and as a result of several class action lawsuits, the government recently launched pilots to provide legal representation in certain narrow instances. For instance, for individuals who

have “serious mental disorders that render them mentally incompetent to represent themselves in immigration proceedings,” EOIR plans to provide legal representation.<sup>27,28</sup> Although current law states that unaccompanied immigrant children may be able to access pro-bono legal representatives “to the extent practicable,” in reality the legal language is vague, non-binding, and not implemented nationally.<sup>29</sup> The EOIR currently funds a pilot program to provide representation to children in Baltimore; however these types of pilots only exist in select jurisdictions around the country, which leaves many children out.<sup>30</sup> There is ongoing litigation to secure the right to counsel for children in immigration court in order to require the appointment of a guardian or advocate to represent a child’s best interests during the court proceedings.<sup>31</sup>

As a result of local and national advocacy efforts, over the last five years the number of people with legal representation nationally has slightly grown. While this is a promising trend, there is still a long way to go. From 2011 to 2015, there were still 436,300 people (representing 47 percent of all cases) without any form of legal representation in immigration court.<sup>32,33</sup> It’s also important to note that this increase is not across the board, with some cities seeing a decline in representation rates. There is also wide geographic variation, with larger cities having representation rates of approximately 45 percent, and smaller cities, on average, having representation rates of only ten percent.<sup>34</sup>

## Immigration Court Outcomes in the Washington D.C. Metropolitan Area

While the U.S. government releases national statistics on rates of immigrant detention, deportation, and legal representation, this data is generally not broken down by specific courts or jurisdictions. Based on the experience of local legal service providers and immigrant families in the D.C. metropolitan area, there is strong anecdotal evidence that when immigrants have access to legal representation in this area, they have better case outcomes as evidenced by lower rates of detention and deportation.

In order to document and understand the impact of legal counsel on immigration case outcomes, the Center for Popular Democracy requested Department of Justice data. This allowed us to analyze government data on detention rates, court decisions, and rates of representation, which provide a valuable overview of the local trends.

## Key Findings

Every year, nearly 4,000 people in Washington, D.C. metropolitan area courts, Arlington, Virginia, and Baltimore, Maryland, face deportation in civil immigration court without the assistance of a lawyer. Because there is no guaranteed access to counsel for immigrants, the majority of people in these courts do not have lawyers. Based on original data analysis of Department of Justice Executive Office for Immigration Review records, obtained through a Freedom of Information Act request, between 2010 and 2015, only 29 percent of detained immigrants secured lawyers in Arlington and only 19 percent of detained immigrants in Baltimore. In other words, among detained immigrants only three out of ten had lawyers in Arlington, and only two out of ten had lawyers in Baltimore.

There are dramatic disparities in outcomes for those who do and do not have lawyers. Among detained immigrants without lawyers, people in Arlington were only successful in their cases 11 percent of the time and unrepresented people in Baltimore only successful 7 percent of the time. **In stark contrast, having a lawyer in Arlington more than doubled a person’s chances of being able to remain in the U.S. and quadrupled a person’s chance of obtaining relief in Baltimore.**

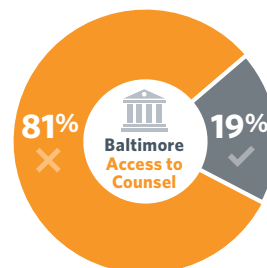
Those who are detained, while fighting deportation, are much less likely to have a lawyer, even though having one has an even greater impact on the outcome of their cases. Between 2010 and 2015, ICE detained nearly 15,000 people in local and county jails throughout the states of Maryland and Virginia. In both regions, people who did not have lawyers were more than twice as likely to remain detained during the entirety of their immigration case, even if they may have been eligible for release on bond. The likelihood of unnecessarily prolonged detention was highest in Baltimore, where a person without a lawyer was more than twice as likely to be detained during their entire case. Our data analysis found that people were much more likely to appeal a negative court decision when they have the support of lawyers. People with an attorney were almost six times more likely to win their cases on appeal in Baltimore and five times more likely in Arlington.

## Data at a Glance

As illustrated below, representation has a powerful impact on individual’s cases.\*

### Baltimore

- In Baltimore, **81 percent of detained immigrants had no legal representation at all**; only 19 percent of detained people had legal representation at some point in their case.
- People in detention without lawyers were only successful in their cases seven percent of the time.
- People who did not have lawyers were more than more than twice as likely to be detained during their entire case. They were also less likely to be released from detention than those with lawyers.
- People with lawyers were **4x more likely** to get a successful case outcome.



\* Appendix I includes a detailed description of the data analysis methodology and parameters.

Baltimore Representation Status Among Detained Immigrants	Number	Percent
Never Represented	2,100	81%
Represented	496	19%
<b>TOTAL</b>	<b>2,596</b>	

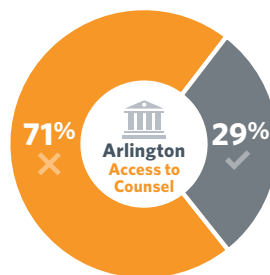
Baltimore Custody Status	Do Not Have a Lawyer	Have a Lawyer	
Detained (Percent)	2100 (21%)	496 (9%)	<b>2,596 (17%)</b>
Partially Detained	2,685 (27%)	1,611 (30%)	<b>4,296 (28%)</b>
Never Detained	5,326 (53%)	3,234 (61%)	<b>8,560 (55%)</b>
<b>TOTAL</b>	<b>10,111</b>	<b>5,341</b>	<b>15,452</b>

Baltimore Detained Case Outcome, by Representation Status	Do Not Have a Lawyer	Have a Lawyer	
Successful	152	143	<b>295</b>
Percent	7%	29%	
Unsuccessful	1,948	353	<b>2,301</b>
Percent	93%	71%	
	<b>2,100</b>	<b>496</b>	<b>2,596</b>

Source: Executive Office for Immigration Review records. Totals from 2010-2015

# Arlington

- In Arlington, **71 percent of detained people had no legal representation at all**; only 29 percent of detained people had some representation at some point in their case.
- Detained people who did not have lawyers were only successful in their cases 11 percent of the time.
- People with lawyers were **2x more likely** to get a successful case outcome.



Arlington Representation Status Among Detained Immigrants	Number	Percent
Never Represented	3,371	71%
Represented	1,402	29%
<b>TOTAL</b>	<b>4,773</b>	

Arlington Custody Status	Do Not Have a Lawyer	Have a Lawyer	
Detained (Percent)	3371 (34%)	1,402 (22%)	<b>4,773 (29%)</b>
Partially Detained	1,741 (18%)	1,332 (21%)	<b>3,073 (19%)</b>
Never Detained	3,371 (34%)	3,741 (58%)	<b>7,112 (43%)</b>
<b>TOTAL</b>	<b>9,909</b>	<b>6,475</b>	<b>16,384</b>

Arlington Detained Case Outcome, by Representation Status	Do Not Have a Lawyer	Have a Lawyer	
Successful	382	352	<b>734</b>
<i>Percent</i>	11%	25%	
Unsuccessful	2,989	1,050	<b>4,039</b>
<i>Percent</i>	89%	75%	
	<b>3,371</b>	<b>1,402</b>	<b>4,773</b>

Source: Executive Office for Immigration Review records. Totals from 2010-2015

## Case Study: The Capital Area Immigrants' Rights (CAIR) Coalition

The Capital Area Immigrants' Rights (CAIR) Coalition is a key leader in providing legal defense for detained immigrants in court proceedings in the D.C. metropolitan area. While there are approximately 27 organizations and ten area law school clinics<sup>37</sup> providing free or low-cost legal immigration services to immigrants in Virginia, Maryland or D.C., CAIR Coalition is the only organization that provides legal services to detained men and women in the custody of the Immigration and Customs Enforcement or children detained in the custody the Office of Refugee Resettlement who cannot afford a lawyer. CAIR Coalition's legal services include the provision of "Know Your Rights" presentations, individual consultations, *pro se* workshops for people representing themselves, and *pro bono* counsel for immigrants detained in jails in Maryland and Virginia. Their work to defend immigrants in detention sees a high success rate: they have a 75 percent approval rate for adults and 90 percent approval rate for children.

As the figure below shows, for the past five years, CAIR Coalition has increased its ability to provide *pro bono* counsel to detained immigrants in both jurisdictions, buoyed in part by increased funding for direct representation of children in Office of Refugee Resettlement custody. Despite this uptick, representation rates at CAIR Coalition for adults in immigration detention remains below 100 people each year. This is despite the fact that the detained adult population accounts for more than 75 percent of the total number of people individually screened by CAIR Coalition through legal intakes.

### Number of Detained Immigrant Men, Women and Children Provided with Pro Bono Counsel through CAIR Coalition

	2011	2012	2013	2014	2015	2016
Adults	40	41	51	62	79	87
Children	8	12	28	52*	97*	102*
<b>TOTAL</b>	<b>48</b>	<b>53</b>	<b>79</b>	<b>114</b>	<b>176</b>	<b>189</b>

\* Number reflects direct funding provided in August of 2014 to represent a subsection of the detained children population in the D.C. metropolitan area.

### Number of Detained Immigrant Men, Women and Children Provided Individualized Legal Screening by CAIR Coalition

	2011	2012	2013	2014	2015
Adults	988 (90%)	1,276 (85%)	1,044 (71%)	1,451 (72%)	1,660 (75%)
Children	106 (10%)	222 (15%)	412 (29%)	562 (28%)	546 (25%)
<b>TOTAL</b>	<b>1,094</b>	<b>1,498</b>	<b>1,456</b>	<b>2,013</b>	<b>2206</b>

Between 2011 and 2015, only seven additional nonprofit organizations were able to represent at least one detained immigrant in either Virginia or Maryland: AYUDA; Catholic Charities in Silver Spring and Gaithersburg, MD; the Esperanza Center in Baltimore, MD; the Hebrew Immigration



*Case Study, continued...*

Aid Society in Maryland; the Legal Aid Justice Center of Virginia; the Torture Abolition and Survivors Support Coalition; and Whitman-Walker Health and Legal Services. This was usually done in concert with CAIR Coalition's mentoring and assistance and often was a response to ICE detaining a pre-existing client.

Only seven out of the ten area law school immigration clinics have represented detained individuals, often based on a referral agreement with CAIR Coalition, and subject to limitations imposed by the academic school year and low caseloads due to the need for student supervision. The Center for Applied Legal Studies at Georgetown University Law Center is the only clinic that consistently represents a large cohort of detained immigrants, approximately three to five clients per year.

How long a CAIR Coalition client remains in detention varies depending on whether a client can fight for any relief from removal, if the case decision is appealed, and the client's ability to continue fighting while detained on appeal. While the average amount of time in detention is one year for a child, and six to eight months for adults, some CAIR clients have spent three to four years in detention. Given this reality, long distances to the detention facilities remain an ongoing concern for legal service providers. Very few of these providers, including CAIR Coalition, are in close proximity to the detention centers holding immigrants in both states. The providers who are nearby do not visit or provide services to these facilities.

- In Virginia, there are two adult detention facilities, the Farmville Detention Center and Virginia Peninsula Regional Jail. Given both are three hours away from Washington, D.C. and about an hour away from Richmond, Virginia, none of the legal service organizations or law school clinics near Richmond or close to these detention centers provide legal services to detained immigrants.
- In Maryland, there are three facilities that detain immigrants: Worcester County Jail, Howard County Detention Center, and Frederick County Detention Center. Of these, Worcester County Jail is the farthest facility, located three and a half hours away from Washington, D.C. in the eastern shore of Maryland, where there is only one legal immigration service organization nearby that is unable to represent people in removal proceedings.
- While the Howard County Detention Center is less than 45 minutes away from Baltimore City, none of the legal immigration service providers based in the area visit or represent clients at this jail. The closest legal service provider to the Frederick Detention Center is based out of Rockville, Maryland, only 45 minutes away, but that provider does not visit or represent people detained at Frederick.

CAIR reports that the experiences and case outcomes of represented detained immigrants are incredibly different from those immigrants who proceed on their own unrepresented. One crucial difference is in the ability of the detained person to identify their eligibility for relief from removal and apply for relief in a timely manner. When a detained client is represented, a major part of representation at the start of a case is determining whether any challenges to removability exist and identifying all possible forms of relief available. CAIR Coalition reports that it usually takes

### Case Study, continued...

---

two to four weeks to prepare for the first or second preliminary hearing when representing a detained immigrant. In contrast, unrepresented detained immigrants struggle through two to three preliminary hearings totaling in four to six weeks of continuances in an effort to understand the proceedings and prepare to admit or deny the charges of removability or even articulate and complete the forms required to apply for relief.

Even the savviest individuals, who are often fluent in English, have difficulty preserving or making arguments in their cases. Recently, CAIR Coalition met with a detained woman prior to her upcoming hearing in Virginia who was a native English speaker and with a relatively high level of formal education. Despite CAIR providing her with orientation about the possibility that her convictions were not removable offenses and practicing with her how to speak to the judge and deny the allegations of removability, she was ordered removed in a hearing lasting less than seven minutes. While CAIR Coalition was subsequently able to find *pro bono* counsel for an appeal, a review of the transcript showed that she appeared confused about how to answer factual questions and that her fear and lack of confidence contributed to her deferring immediately to the judge when he ignored her pleas denying the removability ground and requests for a continuance to seek counsel. These gaps not only added a procedural difficulty in her case, leading to her appeal, but also significantly lengthened the time of her case.

Another stark difference CAIR Coalition staff have observed between represented and unrepresented detained immigrants is their ability to follow through in putting forth their cases. Despite detention fatigue, many represented clients will often endure long wait times and prolonged detention periods when they have the motivating support of their lawyers. Very few unrepresented detained immigrants actually make it to trial or past that. The stress of incarceration, of separation from family, and of a confusing legal process often result in the individual accepting voluntary departure or a deportation order.

CAIR Coalition's clients with past criminal convictions tend to have especially complex cases, which almost always require far-reaching state case law research and appeals to the Board of Immigration Appeals or the Fourth Circuit Court of Appeals. Such cases are nearly impossible to prevail upon without deep expertise in both criminal and immigration law, an area where CAIR Coalition has long-standing expertise. CAIR Coalition also has many clients whose cases require that they establish highly nuanced, individualized country-specific fear-based claims that do not fit straightforwardly into settled asylum law. In order to advance such claims, it is often necessary to compile extensive evidence about conditions in home countries (and to secure expert testimony on those conditions), and/or on such questions as the psychological impact of torture, all of which is impossible for someone who is detained without the assistance of counsel.

## New York Immigrant Family Unity Project

The first program of its kind, the New York Immigrant Family Unity Project (NYIFUP) provides legal representation for immigrants facing deportation in New York City. Established in 2014 with funding from the New York City Council, the program provides lawyers for any immigrant who is a New York City resident and earns less than 200 percent of the federal poverty line. NYIFUP is a joint collaboration between the Center for Popular Democracy, the Vera Institute of Justice, the Northern Manhattan Coalition for Immigrant Rights, Make the Road New York, and the Immigration Justice Clinic of Cardozo Law School. Local service providers, including the Legal Aid Society, the Brooklyn Defender Services, and the Bronx Defenders provide high quality legal representation as part of the New York Immigrant Family Unity Project.

The program has proven incredibly effective at improving case outcomes for immigrant clients. Program evaluations by the Vera Institute of Justice found NYIFUP increases immigrants' chances of winning their cases by 1,000 percent.<sup>39</sup> In its first full year as a program, NYIFUP served approximately 1,000 immigrant clients, with nearly half of the clients released from detention and nearly two-thirds of the merits hearings won by NYIFUP lawyers.<sup>40</sup> The immediate and significant impact of the NYIFUP has inspired other cities to pursue legal representation pilot programs. New York's model is being replicated in two locations in upstate New York, and a privately funded model exists in New Jersey. In December of 2016, the city of Los Angeles announced the creation of the LA Justice Fund to create a NYIFUP style access to counsel program to serve LA area immigrants. The city has committed \$2 million, and the county Board of Supervisors voted in January 2017 to commit \$3 million to the fund. The city hopes to supplement this investment with philanthropic contributions. San Francisco has proposed a similar program, to be run in collaboration with the local public defender's office. Policymakers and community groups in several other cities including Philadelphia, PA, Boston, MA, and Austin, TX are also laying groundwork for legal representation programs for immigrants in removal proceedings.

These types of access to counsel programs can be funded through a combination of public and private, and state and local resources. In the case of New York, the City Council partnered with two private foundations, the Robin Hood Foundation and New York Community Trust, in order to fund a representation program for unaccompanied minors.<sup>41</sup>

## Economic Impacts of Providing Access to Counsel

It's clear that legal representation for individuals in immigration court has an enormous direct impact on their case outcomes, families, and livelihoods. In addition to these direct impacts, providing access to counsel can have many positive secondary impacts on the court system as well as local cities and communities. The American Bar Association, which publicly advocates for guaranteed right to legal counsel, has documented numerous benefits for federal and local governments: "legal representation [...] benefits the government and the administration of justice through improved appearance rates in court, fewer requests for continuances and shorter periods in detention at significant financial savings. It also deters frivolous claims. Above all, increased representation serves the government's interest in seeing that its decisions in these consequential cases turn on U.S. legal standards and the merits of the case, not on a litigant's income."<sup>42</sup>

Immigrant communities also play a vital role in supporting city and state economies. As workers, small business owners, taxpayers, and consumers, immigrants directly support local development. When more immigrants join a local community, this has been shown to produce higher levels of economic growth and higher income per capita, both for immigrants and U.S.-born individuals.<sup>43</sup> Immigrants are 13 percent of the total U.S. population but comprise 16 percent of the labor force and have been shown to play an outsized role in growing the United States' Gross Domestic Product.<sup>44</sup>

These trends can be seen in both Virginia and Maryland where immigrants make significant contributions to the local economy. In the D.C. metropolitan area, the vast majority, or three-fourths, of working age non-citizens are currently in the labor force. According to recent analysis by the Partnership for a New American Economy, a non-partisan collaborative between leading mayors and business leaders, immigrant-owned businesses in Maryland employ approximately 125,900 people and pay \$9 billion annually in federal, state, and local taxes.<sup>45</sup> Despite the fact that foreign-born individuals are only 11 percent of Virginia's state population, 17.5 percent of its business owners are immigrants who generated over \$3 billion in annual income for Virginia over a five year period.<sup>46,47</sup> Similar trends play out at the city level. In Baltimore, 21 percent of the city's businesses are owned by immigrants (despite only being 7 percent of the total population) and immigrants account for 9 percent of the city's total economic output.<sup>48,49</sup>

Immigrants in the D.C. metropolitan area also contribute taxes that boost state and local revenue streams. The Urban Institute found that immigrant households in Maryland contributed \$4 billion, or 18 percent, of all taxes collected in Maryland.<sup>50</sup> This included federal, Social Security, and Medicare taxes, state income, sales, and auto taxes, as well as local property, income, sales, auto, and utility taxes. Despite claims to the contrary, undocumented households also pay significant state and local taxes. The Institute for Taxation and Economy policy found that undocumented Maryland residents paid "\$293.8 million in state and local taxes in 2012 [including] \$147.3 million in sales taxes, \$68.1 million in personal income taxes, and \$78.4 million in property taxes."<sup>51</sup> A report by the Congressional Budget Office also concluded that "in aggregate and over the long term, immigrants pay more in taxes (federal, state, and local) than they use in government services."<sup>52</sup>

Immigrant communities are also credited with increasing home values and revitalizing struggling neighborhoods without exacerbating affordable housing crises. In Baltimore, immigrant communities have helped revitalize the city's struggling housing market through both rentals and home purchases. Immigrants own more than 7,500 homes in Baltimore and rent another 11,700.<sup>53</sup> Immigration has boosted the average home value by nearly \$3,300 in Baltimore County and \$1,600 in Baltimore City.<sup>54</sup> Some research has shown that for every 1,000 immigrants that settle in a county, 250 U.S.-born individuals will then move (often drawn by the increased economic opportunity).<sup>55</sup> For cities like Baltimore, which are seeking to boost population growth, this can be an important boon to local communities.

Given the positive economic impact of immigrant communities, cities and states stand to lose significantly with harsh and overly aggressive immigration enforcement policies. **Estimates have shown that if every undocumented person in Virginia were deported, the state would lose up to \$11.2 billion in economic activity, \$5 billion in Gross State Product (GSP), and approximately 62,000 jobs. Maryland would fare even worse, with losses estimated at \$15.3 billion in economic activity, \$6.8 billion in GSP, and approximately 73,000 jobs lost.**<sup>56</sup> Some projections estimate that deporting all undocumented immigrants would result in an annual GDP loss of \$11.8 billion or 2.6 percent in Virginia and \$9.6 billion or 2.8 percent in Maryland.<sup>57</sup>

**Employers in the D.C. metro area bear the biggest fiscal burden of turnover costs related to detention and deportation. Based on our projections, Virginia state employers pay an estimated \$6 million in turnover-related costs annually as they are forced to replace detained or deported employees. Every year, Maryland employers pay an estimated \$5.9 million in avoidable turnover costs when their employees are detained or deported (See Appendix I).**

Most immigrant households have at least one U.S. citizen in the home, usually children. When these U.S. citizen children lose a parent or caregiver through deportation, they often enter foster care and draw on the social safety net. In addition to the devastating human costs of family separation, cities and states often incur costs to public health insurance programs and foster care services when children of immigrants are detained and deported.

**Every year, detentions and deportations cost Virginia approximately \$600,700 in child health insurance costs and \$347,100 in foster care costs to care for children for detained or deported. The state of Maryland pays an estimated \$571,100 for child health insurance costs and \$327,800 in foster care costs for children whose parents have been detained or deported (see Appendix I).**

Access to counsel programs help decrease and avoid costly disruptions in an individual's jobs, education, and family life. Family unity contributes to social and economic stability. When families thrive, it reduces the long-term costs to both states and cities that provide public services.

## Conclusions

Every year, nearly 4,000 D.C. metropolitan immigrant community members, who may have a right to remain in the United States, face detention and deportation because they cannot afford a lawyer. Immigrants facing detention and deportation have no federal right to appointed counsel. This violates the most basic principles of due process and equal treatment under the law. As this report illustrates, individuals without lawyers face significant challenges and rarely receive favorable immigration court outcomes. Harsh immigration enforcement impacts people who are torn apart from their families, small business owners and workers who lose their livelihoods, as well as local employers and city and state governments who incur numerous costs and negative economic impacts stemming from over-enforcement.

Significant strides have been made by cities in New York, New Jersey, and California to establish a guaranteed access to legal representation for people in immigration court proceedings. After New York became the first city in the country to guarantee legal representation for people in immigration court proceedings, immigrants' chances of winning their cases increased by 1,000 percent.<sup>58</sup> A growing number of cities around the country have passed or are considering similar programs. Providing legal counsel is one of the most straightforward policy solutions to ensure due process and just treatment of immigrants. In addition to ensuring the legal process is fair, access to counsel ensures the process is efficient, with qualified lawyers effectively navigating the courtroom and judges receiving fewer requests for delays in hearings as well as appeals. Legal counsel helps immigrants avoid unnecessary detention which is a costly and inefficient use of taxpayer dollars.<sup>59</sup> An access to counsel program in Baltimore and Arlington will ensure the D.C. metro area realizes its core values of justice and equal treatment for all residents while more efficiently using taxpayer money and demonstrating local policymakers' commitment to building strong families and communities.

## Appendix I—Data Analysis Methodology

This report analyzes Department of Justice Executive Office for Immigration Review data obtained through a Freedom of Information Act Request. We received records for all individuals who appeared before immigration courts in Arlington, Virginia or Baltimore, Maryland in the past five years. We filtered this down to individuals who received a final case or appeal determination between June 1, 2010 and May 31, 2015. The summary statistics in this report only factor in case outcomes for individuals in removal proceedings where a final decision was made during the six-year period. Removal proceedings account for 97 percent of immigration court proceedings and determine whether an individual will be deported.<sup>60</sup> The final numbers also reflect whether an individual appealed the initial court decision, whether the appeal was successfully granted, and the legal representation status during the appeal process. In order to address changes of location or transfers, an individual was counted in the court totals if their “Base City” in the database was listed as Arlington or Baltimore. This analysis is focused on adults and does not look at court outcomes for youth in juvenile courts who were filtered out of the dataset. Consistent with national trends, some individuals receive legal representation throughout their cases while others often have representation at a single hearing. Given constraints in data collected by the EOIR, we were only able to determine if someone had a lawyer at some point in their case. These individuals were counted as having legal representation in the reported totals.

The legal representation rates, by organization, were furnished by the CAIR Coalition which keeps internal statistics about case placement rates for all unrepresented detained clients they encounter in Maryland and Virginia. The annual economic impact of deportation estimates for Virginia and Maryland draw on methodology developed and published in “The New York Immigrant Family Unity Project: Good for Families, Good for Employers, and Good for All New Yorkers” (Center for Popular Democracy, Northern Manhattan Coalition for Immigrant Rights, Cardozo Law, and Make the Road New York).



## Notes

- 1 Pseudonym used for purposes of protecting confidentiality
- 2 There is only one civil detention center in the DC metropolitan area—the Farmville Detention Center in Virginia. All other facilities where immigrants are detained are local and county jails.
- 3 Bettina Rodriguez Schlegel “New York Immigrant Family Unity Project lays groundwork for constitutional victory” Vera Center for Justice, ThinkJustice Blog, December 28, 2015, <https://www.vera.org/blog/new-york-immigrant-family-unity-project-lays-groundwork-for-constitutional-victory>
- 4 Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 Penn. L. Rev. 1 (2015), [http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn\\_law\\_review](http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9502&context=penn_law_review), 2.
- 5 “Promoting Equality: City and State Policy to Ensure Immigrant Safety and Inclusion” Center for Popular Democracy, 2016, [https://populardemocracy.org/sites/default/files/Immigrant-Rights-Report\\_web-final.pdf](https://populardemocracy.org/sites/default/files/Immigrant-Rights-Report_web-final.pdf), 18.
- 6 David Hausman and Jayashri Srikantiah, “Time, Due Process, and Representation: An Empirical and Legal Analysis of Continuances in Immigration Court,” 84 Fordham L. Rev. 1823 (2016), <http://ir.lawnet.fordham.edu/flr/vol84/iss5/2>
- 7 Supreme Court Decision PADILLA v. KENTUCKY, No. 08-651. Argued October 13, 2009—Decided March 31, 2010 <https://www.supremecourt.gov/opinions/09pdf/08-651.pdf>
- 8 “Unlocking Human Dignity: A Plan to Transform the U.S. Immigrant Detention System” Center for Migration Studies & Migration and Refugee Services/United States Conference of Catholic Bishops, 2015, <http://www.usccb.org/about/migration-and-refugee-services/upload/unlocking-human-dignity.pdf>, 7.
- 9 “Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts” National Lawyers Guild Immigration Court Observation Project, 2011, <https://nycicop.files.wordpress.com/2011/05/icop-report-5-10-2011.pdf>, 37.
- 10 “Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts” National Lawyers Guild Immigration Court Observation Project, 8.
- 11 Audrey Singer “Metropolitan Washington: A New Immigrant Gateway” Research in Race and Ethnic Relations, Volume 17, ‘Hispanic Migration and Urban Development: Studies from Washington DC’, <https://www.brookings.edu/wp-content/uploads/2016/06/washington-dc-immigration-singer.pdf>, 3.
- 12 Audrey Singer “Metropolitan Washington: A New Immigrant Gateway” 1.
- 13 U.S. Census Bureau (2014). American Community Survey 5-year estimates. The Census definition of “foreign-born” includes lawful permanent residents, temporary immigrants, refugees, asylum seekers, and to a lesser extent undocumented immigrants who are captured by the Census.
- 14 Audrey Singer “Metropolitan Washington: A New Immigrant Gateway” 14-15.
- 15 Audrey Singer “Metropolitan Washington: A New Immigrant Gateway” 16.
- 16 “Fundamental Fairness: A Report on the Due Process Crisis in New York City Immigration Courts” National Lawyers Guild Immigration Court Observation Project, 14.
- 17 “The New York Immigrant Family Unity Project: Good for Families, Good for Employers, and Good for All New Yorkers” Center for Popular Democracy, Northern Manhattan Coalition for Immigrant Rights, & Cardozo Law, 2013, [https://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity.pdf](https://populardemocracy.org/sites/default/files/immigrant_family_unity.pdf), 1.
- 18 Immigration and Nationality Act § 292, 8 U.S.C. § 1362: <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-9617.html>
- 19 “FY 2015 Statistics Yearbook” U.S. Department of Justice Executive Office for Immigration Review, <https://www.justice.gov/eoir/page/file/fysb15/download>, F-1.
- 20 U.S. Census Bureau (2014). American Community Survey 5-year estimates.
- 21 Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 Penn. L. Rev. 1 (2015), 2.
- 22 David Hausman and Jayashri Srikantiah, “Time, Due Process, and Representation: An Empirical and Legal Analysis of Continuances in Immigration Court,” 84 Fordham L. Rev. 1823 (2016), <http://ir.lawnet.fordham.edu/flr/vol84/iss5/2>, 1.
- 23 U.S. Department of Homeland Security, Yearbook of Immigration Statistics 2014 “Immigration Enforcement Actions 2014” (Table 39), 2014, [https://www.dhs.gov/sites/default/files/publications/ois\\_yb\\_2014.pdf](https://www.dhs.gov/sites/default/files/publications/ois_yb_2014.pdf), 103.

- 24 U.S. Department of Homeland Security, Yearbook of Immigration Statistics 2014 “Immigration Enforcement Actions 2014” (Table 39), 2014, 103.
- 25 Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 Penn. L. Rev. 1 (2015), 2.
- 26 Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 Penn. L. Rev. 1 (2015), 60.
- 27 See *Franco-Gonzalez v. Holder*, No. CV 10-02211 DMG (DTBx), 2013 WL 3674492, at \*16, \*20 (C.D. Cal. Apr. 23, 2013) (entering permanent injunction).
- 28 A pending lawsuit also seeks government representation for children in deportation proceedings: See Motion for Preliminary Injunction, J.E.F.M., 107 F. Supp. 3d 1119 (No. 2:14- cv-01026-TSZ) [hereinafter J.E.F.M. Motion for Preliminary Injunction].
- 29 “The Flow of Unaccompanied Children Through the Immigration System A Resource for Practitioners, Policy Makers, and Researchers” Vera Institute of Justice, 2012, <http://immigrantchildren.org/PDF/03-01-12%20the-flow-of-unaccompanied-children-through-the-immigration-system%20copy.pdf>, 8.
- 30 U.S. Department of Justice Executive Office for Immigration Review, “FY 2015 Statistics Yearbook,” F-1.
- 31 “Ensuring Fairness and Due Process In Immigration Proceedings” American Bar Association, 3.
- 32 U.S. Department of Justice Executive Office for Immigration Review, “FY 2015 Statistics Yearbook,” F-1.
- 33 U.S. Department of Justice Executive Office for Immigration Review, “FY 2015 Statistics Yearbook,” F-1.
- 34 Ingrid Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” 164 Penn. L. Rev. 1 (2015), 41.
- 35 There is only one civil detention center in the DC metropolitan area—the Farmville Detention Center in Virginia
- 36 Many individuals are only able to afford a lawyer for their bond hearing but remain unrepresented for the remainder of their case.
- 37 Georgetown Center for Applied Legal Studies; American University Human Rights Clinic; American University Immigrants’ Rights Clinic; UDC Human Rights Clinic; George Washington Immigration Clinic; University of Maryland—Immigration Clinic; University of Baltimore—Immigration Clinic; Washington & Lee—Immigration Rights Clinic; University of Virginia—Immigration Law Clinic; Catholic University School of Law - Immigration Clinic.
- 39 Bettina Rodriguez Schlegel “New York Immigrant Family Unity Project lays groundwork for constitutional victory” Vera Center for Justice, ThinkJustice Blog, December 28, 2015, <https://www.vera.org/blog/new-york-immigrant-family-unity-project-lays-groundwork-for-constitutional-victory>
- 40 Pete Eikenberry & Lindsay Nash “Study Group Develops Solutions for Unrepresented Immigrants” Federal Bar Council Quarterly, Vol. XXIII, No. 3, March/April/May 2016, <http://federalbarcouncilquarterly.org/?p=671>
- 41 “NYIC 2016 New York City Policy & Budget Priorities Legal Services for New Americans” New York City Immigration Coalition, 2016, [http://www.thenyic.org/sites/default/files/City%20Legal%20Services\\_2016%20OnePager\\_FINAL%20MA.pdf](http://www.thenyic.org/sites/default/files/City%20Legal%20Services_2016%20OnePager_FINAL%20MA.pdf)
- 42 “Ensuring Fairness and Due Process In Immigration Proceedings” American Bar Association, 2008, 2.
- 43 “The Impact of Immigrants in Maryland Final Report” Commission to Study the Impact of Immigrants in Maryland, February 8, 2012, [http://www.inforum.umd.edu/mdimmigration/content/md\\_immigration\\_commission\\_finalreport.pdf](http://www.inforum.umd.edu/mdimmigration/content/md_immigration_commission_finalreport.pdf), 7.
- 44 Daniel Costa, David Cooper, and Heidi Shierholz, “Facts About Immigration and the U.S. Economy,” Economic Policy Institute, August 12, 2014, <http://www.epi.org/publication/immigration-facts/>
- 45 “The Contributions of New Americans in Maryland” Partnership for a New American Economy report, 2016, <http://www.renewoureconomy.org/wp-content/uploads/2016/10/nae-md-report.pdf>, 2 & 8.
- 46 Partnership for a New American Economy, “Map the Impact of Immigration Across the Nation” 2016, <http://www.maptheimpact.org/state/virginia/>
- 47 Adriana Kugler and Patrick Oakford “Immigration Helps American Workers’ Wages and Job Opportunities” Center for American Progress, August 29, 2013, <https://www.americanprogress.org/issues/immigration/news/2013/08/29/73203/immigration-helps-american-workers-wages-and-job-opportunities>

- 48 City of Baltimore Mayor's Office, New Americans Task Force Report "The Role of Immigrants in Growing Baltimore: Recommendations to Retain and Attract New Americans" September 2014, <http://www.abell.org/sites/default/files/publications/cd-roleimmigrants914.pdf>
- 49 David Dyssegaard Kallick, "Immigrant Small Business Owners: A Significant and Growing Part of the Economy" Fiscal Policy Institute, June 2012, <http://www.fiscalpolicy.org/immigrant-small-business-owners-FPI-20120614.pdf>, 22.
- 50 "New Americans in Maryland: The Political and Economic Power of Immigrants, Latinos, and Asians in the Old Line State" American Immigration Council, January 1, 2015 <https://www.americanimmigrationcouncil.org/research/new-americans-maryland>
- 51 "New Americans in Maryland: The Political and Economic Power of Immigrants, Latinos, and Asians in the Old Line State" American Immigration Council, 1.
- 52 Congressional Budget Office, "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments" (Washington, D.C.: December 2007), <https://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/87xx/doc8711/12-6-immigration.pdf>, 1.
- 53 "The Role of Immigrants in Growing Baltimore: Recommendations to Retain and Attract New Americans" Baltimore's Mayor's Office, The New Americans Task Force and The Abell Foundation, September 2014, <http://www.abell.org/sites/default/files/publications/cd-roleimmigrants914.pdf>, 6.
- 54 "New Americans in Maryland: The Political and Economic Power of Immigrants, Latinos, and Asians in the Old Line State" American Immigration Council, 1.
- 55 "Immigrants Boost U.S. Economic Vitality through the Housing Market" Resource New Economy, <http://www.renewoureconomy.org/sites/all/themes/pnae/immigration-and-housing.pdf>, 1.
- 56 "An Essential Resource: An Analysis of the Economic Impact of Undocumented Workers on Business Activity in the US with Estimated Effects by State and by Industry" The Perryman Group, April 15, 2008, <https://www.perrymangroup.com/wp-content/uploads/Impact-of-the-Undocumented-Workforce-April-15-2008.pdf>, 67.
- 57 Ryan Edwards and Francesc Ortega, "The Economic Impacts of Removing Unauthorized Immigrant Workers: An Industry- and State-Level Analysis" Center for American Progress, September 21, 2016, <https://www.americanprogress.org/issues/immigration/reports/2016/09/21/144363/the-economic-impacts-of-removing-unauthorized-immigrant-workers/>
- 58 Bettina Rodriguez Schlegel "New York Immigrant Family Unity Project lays groundwork for constitutional victory" Vera Center for Justice, ThinkJustice Blog, December 28, 2015.
- 59 Ingrid Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," 164 Penn. L. Rev. 1 (2015), 60.
- 60 Ingrid Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," 164 Penn. L. Rev. 1 (2015), 12.



[populardemocracy.org](http://populardemocracy.org)