



Legislative Testimony  
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**Written Testimony Supporting Senate Bill 991,  
An Act Concerning Access to Legal Counsel for Indigent  
Individuals in Immigration Removal Proceedings**

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 991, An Act Concerning Access to Legal Counsel for Indigent Individuals in Immigration Removal Proceedings.

The ACLU-CT fights to protect access to fair and equal justice for all Connecticut residents. Every person, of every immigration status, has fundamental human and legal rights that deserve protection and respect. Most children and adults in Connecticut faced with deportation proceedings, however, often do not have access to legal counsel to help them fight for their legal rights and explain the substance and effect of the proceedings, as well as their options. The ACLU-CT therefore supports Senate Bill 991, which would establish a right to legal representation for certain children and adult Connecticut residents who are facing removal proceedings before the Connecticut Executive Office for Immigration Review.

A recent influx of cases in Connecticut's federal immigration court has highlighted the need for legal representation in these cases. More than 200 immigrants are detained and prosecuted annually in the Hartford Immigration Court, where the majority of removal proceedings take place in the state. As of January of this year, there were 5,477 pending cases in the Hartford Immigration Court, with respondents waiting an average of 543 days – almost a year and a half – to have their day in court. The backlog is roughly two and a half times larger than it was in 2016, when respondents waited an average of four months less than they do now.

Many Connecticut residents facing deportation who are caught in this logjam are not represented by an attorney. In fact, roughly 76 percent of Connecticut residents detained at the beginning of their cases in 2017 were unrepresented. Available data show that 65 percent of Connecticut children whose cases were initiated in 2018 did not have an attorney, an increase from 2017.

Through our volunteer court watch program, the ACLU-CT has seen firsthand the difficulty people experience when they lack representation in deportation proceedings. Each week, volunteers with the program – a collaborative effort between the ACLU of Connecticut, CT Immigrant Bail Fund, ACLU of Massachusetts Immigrant Protection Project, and more – document what they see in Hartford’s immigration court, including information about bond amounts, and report back to our legal staff. Among other heartbreaking cases, our volunteers learned about a man who was in danger of being permanently separated from his one-year-old daughter through deportation. Thankfully, the CT Immigrant Bail Fund was able to work with RAICES Texas to pull together the money to bring him home. For many other people in Connecticut, though, the lack of legal representation leads to far more painful endings. As of December 2018, 419 people were facing deportation in Connecticut’s immigration court in Hartford. Many people, including asylum seekers, longtime legal residents, spouses of U.S. citizens, and children, are detained for months, or even years, and deported due to the lack of legal counsel in their cases.

In state criminal court proceedings, people are guaranteed a court-appointed lawyer if they cannot afford one. In federal immigration court, however, the law does not guarantee that same basic chance at justice – even if someone is a child facing separation from their parents. This is despite the fact that people with legal representation are much more likely to have positive case outcomes. Children with lawyers are almost five times more likely to win the right to remain in the U.S., while detained, low-income immigrants with free lawyers are 1,100 percent more likely to remain in the U.S. Between 2007 and 2012, only five percent of people nationwide won relief from deportation without an attorney. People have a better chance of their legal rights being defended in immigration court if they have a lawyer, but many people facing deportation cannot afford or find a lawyer without help. Language barriers, a lack of cultural understanding on the part of the legal system, and unfamiliarity with the legal system and laws make it difficult, if not impossible, for a person to represent

themselves in a removal case. While adults struggle to get by without an attorney, our government also forces young children to attend legal proceedings alone, left to themselves to explain why they should be able to stay with their family in the country they call home.

Unfortunately for Connecticut residents, the need for legal representation begins as soon as the government initiates a case. In Connecticut, people facing deportation encounter some of the worst conditions in the country. That is because Hartford's immigration court sets the highest bonds on average for people facing deportation out of all immigration courts across the country. The average bond set in the Hartford court is \$15,000, twice the national average. The high cost of freedom means more people are kept in prison while waiting for a judge to hear their case. This affects them and their families. Particularly when the government holds the sole caregiver of a child, disabled person, or elderly person pretrial, dependents often end up in foster care or dependent upon state programs. Long wait times also translate into thousands of Connecticut taxpayers' dollars used to detain people while they await the adjudication of their cases, businesses losing revenue because their owners or employees cannot work, and less money spent overall in our state's economy.

The human and financial costs of sending people into removal proceedings without lawyers are too high. With the increase in immigration court cases, people unable to obtain legal counsel to help them, Connecticut residents being torn from their families and homes because they do not have a lawyer to represent them, and the financial costs of detaining people for long periods of time adding up, it is time for the Connecticut legislature to take a stand to ensure immigrants' legal and human rights are defended in court by passing Senate Bill 991. This bill would establish a right to free legal representation in all proceedings related to a removal taking place at the Connecticut Executive Office for Immigration Review for two groups of Connecticut residents. Children and youth who are under 18 years old, as well as young adults who were under 18 years old when their proceedings began, would receive legal representation. Adults would receive legal counsel in their pending Connecticut removal proceeding if they are being detained and establish that they are indigent, meaning their annual gross income is at or below 125 percent of the federal poverty level. Funding for the representation would come from the Attorney General's settlement fund and be administered by a charitable foundation.

Having the right to legal representation in these often confusing and life-altering cases would significantly increase the likelihood that Connecticut residents can stay in our state and continue to contribute to their communities. The legal expertise and advice an attorney can provide is often the difference between someone being locked in a cage for months or years waiting for their case to be heard and living with and providing for their family. It is the difference between the government shipping someone off to a place they have never known and where their chances of survival may be low, and someone having the opportunity to stay in Connecticut, the place they call home. Providing legal counsel to children and adults in removal proceedings will enable more people to have a chance at a fair and just legal proceeding.

By establishing this right to counsel, Connecticut would follow in the footsteps of many other states and cities across the nation that have allocated funding for legal representation in immigration proceedings. In neighboring New York, since 2013, the New York Immigrant Family Unity Project has provided no-cost legal counsel for detained New York City immigrants. Also nearby, New Jersey recently allocated \$2.1 million for the Legal Services of New Jersey, the American Friends Service Committee, and the Rutgers University and Seton Hall University law clinics to provide legal representation for immigrants. The states of California and Washington, and the city of Denver, Colorado, have allocated funding for legal representation for immigrants, and Atlanta, Boston, Chicago, Houston, Miami, and New Orleans are considering allocating funding for legal representation for immigrants.

The ACLU-CT supports Senate Bill 991's establishment of a right to legal counsel for both children and adults and urges this committee to pass it in its current form. It is just as meaningful for adults who cannot afford an attorney to receive legal representation in removal proceedings as it is for children. Whether children or adults, immigrants are our friends, neighbors, local business owners, teachers, doctors, parents, spouses, and children. We do not want to live in a United States that does not allow people a fair chance at justice. Immigrants' rights are not up for debate, and Connecticut should lead the country in protecting them.

We strongly encourage the committee to support Senate Bill 991 to improve access to justice for all Connecticut residents.