

# **ENSURE LEGAL FAIRNESS; DETAINED IMMIGRANTS DESERVE REPRESENTATION**

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## **Body**

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U.S. courts are supposed to be guided by fairness with due process for all. But in deportation hearings in Pennsylvania and throughout the country, detained immigrants are currently not guaranteed legal representation, leaving many alone in facing government attorneys. A new study out of State College has offered a solution that would address this injustice.

A recently published report from the Penn State Law Center for Immigrants' Rights Clinic recommended the creation of a free public defender style system that would provide lawyers to detained immigrants facing deportation. While the Sixth Amendment guarantees an individual's right to counsel in criminal proceedings, immigration cases are heard in civil court, where the Sixth Amendment right does not apply.

Migrants involved in such cases are allowed to find and pay for an attorney on their own. But for those who work low-wage jobs, lack a basic understanding of American legal proceedings or struggle to speak English, this option is no option.

The study's review of more than 3,600 Pennsylvania cases revealed that 77% of detainees had no lawyer. The problem extends far beyond the commonwealth. There are more than 300,000 pending cases nationwide in which immigrants are unrepresented, according to Syracuse University's Transaction Records Access Clearing House. This leaves hundreds of thousands of immigrants, even children, to defend their status in the U.S. against trained government attorneys.

The results of this imbalance have been predictably disastrous for the immigrants. According to a study commissioned by Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit, 97% of detained immigrants without legal counsel were deported.

Clearly, there is a thumb on the scales of justice.

Immigrant advocacy groups are rightly concerned, and those concerns should extend to the public at large if the public at large is at all concerned about American due process.

The public-defender-style system suggested by the Penn State study would right the scales. Such a system would ensure that detained immigrants have competent legal representation and, at the same time, would protect the government's interests in a fair legal proceeding - one that is less susceptible to appeals.

The Constitution does not distinguish between citizens and immigrants. Instead, it refers to "people." And all people moving through the American justice system should be afforded the right to fairness in any courtroom, whether criminal or civil.

## ENSURE LEGAL FAIRNESS; DETAINED IMMIGRANTS DESERVE REPRESENTATION

For immigrants facing deportation, a decision that can carry drastic consequences for the detained and their families, this should include suitable legal counsel. Pennsylvania should follow the lead of states like New York and New Jersey and establish a legal defense fund that ensures legal representation for all.

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