

BALTIMORE WANTS LAWYERS TO TAKE ON IMMIGRATION PRO BONO WORK. WILL IT HELP MEET DEMAND?



Amid a shortage of immigration attorneys, Baltimore Mayor Brandon Scott authorized the city's lawyers last month to represent residents pro bono in immigration cases.

Wary of a potential surge of immigration agents but with limited power over the federal government, Democrats have attempted to blunt U.S. Immigration and Customs Enforcement's impact in Maryland, from limiting partnerships with local law enforcement to preventing a new detention facility.

Scott joined their efforts with an executive order that, among several measures, empowered lawyers employed by the city to donate their personal time to pro bono immigration work.

The order seeks to address a yearslong, nationwide shortage of immigration attorneys, a crisis that the second Trump administration has deepened.

Although Maryland hasn't seen a Minneapolis-scale ICE occupation, that shortfall has become more acute in the past year as ICE has increased arrests and detained thousands of people, including citizens, unlawfully. On top of that, a bill pushed by President Donald Trump gave ICE an unprecedented funding boost, raised fees in immigration cases and made it easier for the government to carry out deportations.

“Simply put, there has been a drastic increase in need for these services all over the country, including for city residents here in Baltimore,” City Solicitor Ebony Thompson wrote in an email.

“Knowing the Law Department has historically made a commitment to and provided pro-bono services to residents who cannot afford legal services, the Mayor chose to support that public-service instinct rather than stand in its way,” she stated.

Thompson didn't say how many of the city's 122 lawyers (72 in the Law Department) are expected to take on immigration work, but the city won't be tracking it.

The executive order's intent isn't “counting heads, but explicitly making it clear” that lawyers are allowed to do this, Thompson said.

She herself plans to “participate in training with a goal of providing representation to those in need.”

The type of work the lawyers do should depend on their capacity, language skills and training.

“Responsible pro-bono service is skill-matched, conflict-screened, and training-supported, so training may be required depending on the work the attorney performs,” Thompson said.

In addition, the order said ICE can't use city property as a "staging area" and reiterated that Baltimore Police don't ask about legal status and have to give their names and badge numbers upon request.

'THE NEED FAR OUTWEIGHS THE RESOURCES'

The handful of local nonprofits that provide immigration legal services can't meet the demand, according to Ama Frimpong, legal director of We Are CASA. The Maryland-based immigrants' rights organization has four immigration staff attorneys and is trying to recruit others, she said.

"The need far outweighs the resources," Frimpong, who is a member of Kilmar Abrego Garcia's legal team, told The Daily Record. Abrego Garcia's mistaken deportation from Maryland to a notorious Salvadoran prison last year attracted national attention.

"That lack of availability already existing — coupled with the mass-detention, mass-deportation agenda that we have seen — has made the need for counsel and access to justice more critical than ever," Frimpong said.

She said help from city attorneys could be "crucial" in meeting some of the demand. Frimpong and others noted that although all criminal defendants have a right to an attorney, immigrants do not — even though they could face detention and deportation. "Their liberty is in jeopardy, but it's still considered a civil matter," said Nicole Whitaker, an immigration lawyer in Towson.

Whitaker's firm has historically not offered detention-related services, which often require intense work on short notice, sometimes with emotional results as families are broken up. But as more and more of her clients were detained, she decided to help them herself rather than referring them to other attorneys.

The Western Maryland warehouse that ICE intends to convert to a detention center could be a "blessing and a curse," Whitaker said. Anyone detained in Maryland is sent to another state due to the lack of detention capacity here, she said. ICE has been accused of maintaining inhumane, overcrowded conditions at many facilities, including the "hold rooms" in downtown Baltimore, but being detained in Maryland could allow for easier access to counsel.

MORE SUCCESS WITH REPRESENTATION

A 2011 study in New York quantified the importance of representation in immigration cases. Asylum-seekers who had a lawyer and were never detained were successful 73% of the time, while those without a lawyer succeeded just 13% of the time. For those who were detained, only 3% succeeded if they lacked a lawyer; 18% succeeded if they did have one.

But the percentage of immigrants with lawyers declined significantly from 2019 to the end of 2023, according to Syracuse University's Transactional Records Access Clearinghouse, which called a shortage of immigration attorneys a "key constraint" on this fall.

Noncitizens had found attorneys in 65% of all pending cases in the immigration court's backlog at the end of fiscal year 2019, according to the data research organization. By December 2023, that had dropped to 30%.

At 38%, Maryland had the eight-highest representation rate.

INCREASED FILINGS, COSTS

The Trump administration's enforcement and detention tactics have prompted more than 32,000 people nationwide to file petitions for habeas corpus — lawsuits alleging illegal detention — from January 2025 to March 30, according to ProPublica. That included 363 in Maryland and exceeded the number of habeas petitions filed during the past three presidential administrations — including Trump's first term — combined.

A "large majority" of judges have ruled in the immigrants' favor, ProPublica reported, ordering the administration to release detainees or offer bond hearings.

Abraham Carpio, an immigration lawyer in Hyattsville, said habeas petitions have been "instrumental" in obtaining bond hearings. But most of his clients live below the poverty line and can't afford to spend thousands of dollars.

"Habeas litigation is very complicated as a whole, and immigration-based habeas is even more complicated," Carpio said.

Whitaker said an individual's case could cost \$5,000 to \$15,000, depending on multiple factors.

Cori Alonso-Yoder, a professor at the University of Maryland Francis King Carey School of Law and the director of the school's immigration clinic, said costs in some cases can reach the tens of thousands of dollars.

"Immigration cases take a lot of time, they are very complex, and they don't resolve themselves quickly, so it really is an investment of attorneys' time to see cases through completion," she said.

Alonso-Yoder said the One Big Beautiful Bill Act raised fees to "truly exorbitant" levels. Asylum claims, which used to be free, now cost \$100. An application for an appeal with the Board of Immigration Appeals used to be \$110 and is now \$900. The law also made it easier for the government to deport people to "third countries," requiring them to prove they face a higher level of persecution in the third country than their country of origin in order to stay in the United States.



Nicole Whitaker, founder of Whitaker Legal, is an immigration lawyer in Towson. (Courtesy of Nicole Whitaker)

On top of that, the administration attempted to require appeals to be summarily dismissed unless the immigration appeals board agrees to them; that policy change was blocked amid litigation.

Although Alonso-Yoder's clinic represents clients for free, it isn't big enough to play a significant role in meeting the demand; its purpose is to train students to practice immigration law.

As for the mayor's move, she described it as "a very pragmatic solution to what has been a crisis of representation for many years now in the immigration space. ... It could be a real game-changer."