



IN SUPPORT OF HB 354

To: House Judicial Committee
From: Sirine Shebaya, Executive Director of the National Immigration Project of the National Lawyers Guild
Date: February 19, 2021
Re: Written Testimony in Support of HB 354

Dear Committee Members:

My name is Sirine Shebaya, and I am the Executive Director of the National Immigration Project of the National Lawyers Guild (NIPNLG). NIPNLG is a national non-profit organization that provides technical assistance and support to community-based immigrant organizations, legal practitioners, and all advocates seeking and working to advance the rights of noncitizens. For 50 years, NIPNLG has provided legal training and resources across the United States on the immigration consequences of criminal conduct. NIPNLG works to protect the rights of all immigrants, including noncitizens entangled within the criminal legal system, victims of government abuse and misconduct, and those facing summary removal.

The past four years have been marked by an extreme targeting of immigrants across the United States. This makes it even more important for 2021 to be a year filled with daring and impactful changes on a federal and state level, to begin to reverse all the harms that were done. For decades, immigrants in the United States, especially Black and brown immigrants, are overpoliced, prosecuted, and then deported for minor crimes.¹ As a nation, we have an obligation to root out racism wherever we can. Ensuring that state dispositions do not carry devastating immigration consequences is part of that effort.

HB 354 provides an important step towards combating the injustice and systematic racism found within the Maryland criminal system, by allowing a probation before judgment (PBJ) finding—which is not a conviction under Maryland law—to also not count as a conviction for purposes of immigration law.

NIPNLG supports this bill because it addresses a national issue that cannot be unilaterally addressed by the federal government and should be taken on by state legislators. The Biden Administration has signaled a different vision of immigration and enforcement, but change at the federal level will take a very long time to fully be implemented and must be supplemented by state-level changes that remove the worst consequences of contact with the criminal legal

¹ David A. Harris, *Racial Profiling: Past, Present, and Future?*, American Bar Association, (January 21, 2021), available at: https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2020/winter/racial-profiling-past-present-and-future/.

system. Any federal legislation on immigration is going to take a very long time. In the meantime, state legislators have an obligation to address injustice wherever they can. Amending the Maryland PBJ statute presents just such an opportunity. The purpose of a PBJ is to provide an opportunity for rehabilitation for Maryland residents. That purpose is undermined when a PBJ triggers draconian immigration consequences.

Passing HB 354 will also Maryland to join other states, like Virginia and New York, that already have similar statutes which avoid harsh immigration consequences, joining a growing trend towards addressing immigration consequences for members of our communities. HB 354 will provide the residents of Maryland the opportunity to receive probation that does not trigger adverse immigration consequences.

NIPNLG urges this honorable committee to pass HB 354, to protect members of the Maryland community from harsh consequences and double punishment.

Sincerely,



Sirine Shebaya