



## Unitarian Universalist Legislative Ministry of Maryland

### **Testimony in Support of HB 559 Probation Before Judgment - Probation Agreements – Probation Not Deportation**

To: Delegate Luke Clippinger, Chair, and Members of the Judiciary Committee

From: Jim Caldiero, Lead Advocate, Immigration Reform  
Unitarian Universalist Legislative Ministry of Maryland

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The Unitarian Universalist Legislative Ministry of Maryland asks for a favorable report on HB 559: Probation Before Judgment - Probation Agreements – Probation Not Deportation.

The federal Immigration and Nationality Act lists multiple categories of deportable aliens which include lawfully admitted permanent residents (I-151, green card holders). Among the categories is conviction of a crime -- felony or certain misdemeanors – and subsequent sentence to confinement. 8 U.S.C.A. section 1251.

Sometimes, as our wise Maryland legislature has recognized, it is in the best interests of the community to provide an outcome in a criminal matter that will not result in a conviction and has established “probation before judgment” (PBJ) where a judge will strike a conviction and impose probation instead. However, under federal immigration law, the current MD PBJ statute is still considered a conviction. While the statute works well for U.S. citizens, it works differently for non-U.S. citizens. The results can not only be severe, but inhumane. A Maryland resident for whom PBJ is imposed, but who happens to be a lawfully admitted permanent resident or an undocumented immigrant, can still face detention and deportation. Families can be separated – fathers, mothers, breadwinners, taken from their children – for minor offenses.

We have the opportunity with HB 559 to correct this injustice.

As retired U.S. Immigration Judge John F. Gossart Jr. commented in the *Baltimore Sun*, “Virginia and New York have similar statutes, which function so that their non-citizen residents do not suffer additional consequences from probation. To allow this inequity to exist from one jurisdiction to another, when the intent of PBJ statutes is the same or similar, is in my opinion unjust. Which side of the Potomac River the case is heard on should not determine whether a PBJ triggers federal consequences.”

Our Unitarian Universalist faith calls us to promote and affirm justice, equity and compassion in human relations and surely, supporting the passage and enactment of HB 559 / SB 265, Probation Before Deportation will redressing the inequity that exists in Maryland's Probation Before Judgment statute.

*Jim Caldiero*

Ellicott City, MD 21043

Email: [immigration@uulmmd.org](mailto:immigration@uulmmd.org)

## **Fast Facts:**

Link to University of Maryland Francis King Carey School of Law, Clinical Law Program Fact Sheet:

[https://drive.google.com/file/d/1-VO71VP83\\_5CGZ\\_d8b22KcfEBjI6QQ7-/view?usp=sharing](https://drive.google.com/file/d/1-VO71VP83_5CGZ_d8b22KcfEBjI6QQ7-/view?usp=sharing)

Link to University of Maryland Francis King Carey School of Law, Clinical Law Program FAQs:

[https://drive.google.com/file/d/1ymcxFhI4DtUbbgu9\\_1Xc2G8OF4T7xnzm/view?usp=sharing](https://drive.google.com/file/d/1ymcxFhI4DtUbbgu9_1Xc2G8OF4T7xnzm/view?usp=sharing)