MSBA
MARYLAND STATE
BAR ASSOCIATION

MSBA Main Office
520 West Fayette Street
Baltimore, MD 21201
410-685-7878 | msba.org

Annapolis Office
200 Duke of Gloucester Street
Annapolis, MD 21401
410-269-6464 | msba.org

To: Members of House Judiciary Committee

From: Immigration Law Section Council

Date: February 27, 2025

Subject: **Bill HB579** – Criminal Procedure – U Nonimmigrant Status Petitions

Position: **Support with Technical Amendments**

Good Afternoon, Chairman Clippinger, Vice Chair Bartlett and Members of the Judiciary Committee.

My name is Sheri Hoidra. I am here today on behalf of the Maryland State Bar Association Immigration Law Section, which officially supports HB 579 with Technical Amendments. Our section is comprised of hundreds of private attorneys, judges and immigration officials who are members of our association.

I am an attorney practicing in the Maryland Bar for more than 12 years. My office is in Baltimore County and I reside in Howard County. I practice primarily in immigration law matters. I am the Chair of the Section Council of the Maryland State Bar Association Immigration Law Section. I have presented seminars to attorneys through venues such as the Maryland State Bar Association, the Maryland Association for Justice and the American Immigration Lawyers Association.

The Immigration Law Section Council supports this bill with the following technical amendments:

Article – Criminal Procedure

11-930.

. . .

(d) **"FEDERAL U ~~VISA~~ STATUS GUIDELINES" … 8 U.S.C. § 1184~~(O)~~(P) …**

. . .

[(e)**] (F) … OR THAT IS DESCRIBED IN FEDERAL U ~~VISA~~ STATUS GUIDELINES.**

11-931.

(a) [(1)**] (I)** was a victim of a qualifying criminal activity and has been helpful, **IS BEING HELPFUL, OR IS LIKELY TO BE HELPFUL [**to the certifying entity**]** in the detection, investigation, or prosecution ~~**INCLUDING SENTENCING,**~~ of that qualifying criminal activity;
[(2)**] (II)** was under the age of … ~~**INCLUDING SENTENCING**~~ …
[(3)**] (III)** is incapacitated … ~~**INCLUDING SENTENCING**~~ …

…

(J) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION … FOR ~~A~~ U ~~OR T VISA~~ STATUS HAS MET …

(2) COMPLETION OF A CERTIFICATION … TO DETERMINE ELIGIBILITY FOR ~~A~~ U ~~OR T VISA~~ STATUS.

…

(4) THIS SECTION …

(II) PROVIDE ANY ADDITIONAL INFORMATION … TO THE ADJUDICATION OF A U ~~OR T VISA APPLICATION~~ STATUS PETITION.

We have reviewed the bill originally introduced several weeks ago and we believe these technical amendments are critical to ensure that the bill comports with federal immigration law:

Section 11-930 (d) should indicate that it pertains to U Status and not U Visa Guidelines, because the statute relates to immigration status and not obtaining a visa. The Section should also refer to 8 U.S.C. § 1184P, which is the federal statute referring to U status.

Section 11-930 (f) should indicate that it pertains to U Status and not U Visa Guidelines, because the statute relates to immigration status and not obtaining a visa.

Section 11-931 (a) should strike "including sentencing" in subparagraphs (I), (II) and (III) since that is not a requirement of the federal statute and there should not be additional mandatory conditions that are not required by the federal statute.

Proposed Section 11-931 (j) should strike the inclusion of the "T" visa or status, which does not have the same requirements as U status. The proposed section should further use the terminology "U status" or "U status petition" as indicated, since no "visa" or "visa application" is involved in obtaining U status from USCIS.

We believe these amendments are technical in nature since they merely seek to utilize language that matches the bill with provisions contained in federal law. The amendments correctly define the scope of U status petitions. Without such technical amendments, the original language of the bill would not effectively correspond with federal immigration law, thereby placing numerous Maryland residents in jeopardy of not obtaining critical law enforcement certifications necessary for seeking U status from the federal government.

The Immigration Law Section Council of the Maryland Bar Association supports the attached technical amendments to SB129 and respectfully requests this Committee to vote favorably on the bill and technical amendments.

END OF TESTIMONY