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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

February 11, 2022

The Honorable Luke Clippinger, Chairman
Judiciary Committee
Maryland House of Delegates
House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Clippinger and other distinguished members of the Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation’s interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including approximately 12,300 in Maryland. On behalf of our members and supporters, I am writing to express FAIR’s opposition to House Bill (HB) 559.

HB 559 allows a criminal alien to enter into a probation agreement without pleading guilty or no contest or without admitting any of the facts underlying the crime which allows the court to withhold a formal conviction yet make findings of fact sufficient to support guilt. HB 559 thus aims to allow a criminal alien to avoid both ever taking responsibility for their crime, as well as avoid the immigration consequences that would normally stem under federal law from a criminal conviction or sentence.

Although immigration is the federal government’s domain, the immigration consequences of criminal convictions are often reliant on state law definitions and procedures. Therefore, by eliminating both any admission by a criminal alien defendant and a formal conviction by the court, HB 559 would undermine federal law. Congress’s intent in the Immigration and Nationality Act was for criminal convictions to have immigration consequences.

Moreover, HB 559 could cause disparate outcomes for US citizens and illegal aliens and legal immigrants. Both illegal aliens and legal immigrants could be subject to ICE removal proceedings as a result of criminal convictions.



Therefore, the courts may consider the immigration consequences to illegal aliens and legal immigrants in determining their course of action which would not happen with US citizens. It is likely under HB 559 that US citizens could receive harsher punishments for committing the same crimes, which would be patently unfair.

Finally, eliminating or softening sentences for criminal aliens sends the wrong message. Criminals are sentenced to punish those who commit crimes, to deter others from committing crimes, and to protect the public as a whole. HB 559 does not discourage criminality by criminal aliens who it would enable to avoid the consequences of their actions and be placed back into their communities to reoffend. States should not be able to manipulate and subvert our immigration laws to keep criminal aliens in the country.

For these reasons, FAIR opposes HB 559 and urges an unfavorable report. I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,

A handwritten signature in black ink that reads "Shari Rendall". The signature is written in a cursive, flowing style.

Shari Rendall