



May 6, 2019

The Honorable Floyd Prozanski, Chair Senate Judiciary Committee,
Members

Re: Testimony in Support of HB 3201

Dear Chair Prozanski and Members of the Committee,

On behalf of the American Immigration Lawyers Association Oregon Chapter, we respectfully request your support for HB 3201.

HB 3201 would allow persons already eligible for a DUI diversion, a conditional discharge for a drug offense, or a diversion under ORS § 135.886 to fully participate in and enter these programs as would a United States Citizen without first entering a plea of guilty or no contest.

As it stands, our current diversion programs can have devastating consequences for noncitizens. Under our current federal immigration law, a person entering diversion with a plea of guilty or no contest will be considered to have a conviction even if the case is eventually dismissed after completing diversion. HB 3201 would allow for pre-plea diversion and avoid a conviction for immigration purposes.

Too often in our professional field we encounter clients who have made a mistake, entered a diversion program, and complied with every program requirement only to be later ineligible for immigration benefits, or worse, be placed in removal proceedings without relief from removal or deportation.

We respectfully ask your support of HB 3201 to allow Oregon diversion programs to be applied consistently—across citizens and noncitizen communities alike. The ramifications of diversion programs on noncitizens and their families are far-reaching, and HB 3201 would help ensure that these diversion programs have the intended effect of rehabilitation and not the unintended effect of disproportionate and extreme consequences only one sector our community faces.

Sincerely,

/Corrie Hansen
AILA Oregon Co-Advocacy Liaison
corrie@meadowlarkpc.com

/Cindy Del Rosario
AILA Oregon Co-Advocacy Liaison
cindy@JGonzalezLaw.com