



Ned Lamont
GOVERNOR
STATE OF CONNECTICUT

March 28, 2019

The Honorable Kirstjen Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20530

Re: WALTON, WAYZARO Y.
A#: 041-657-485
DOB: 08/27/1984

Dear Madam Secretary,

I am writing to you today about a constituent, Ms. Wayzaro Walton, who came to Connecticut as a small child, lived here legally for most of her life, is married to a U.S. citizen, and has a U.S. citizen minor child. Ms. Walton was detained earlier this week by U.S. Immigration and Customs Enforcement (ICE) pursuant to a deportation order that is based on conviction for two non-violent offenses, the most recent conviction having occurred more than seven years ago. Prior to her detention by ICE, Ms. Walton received a full pardon of those convictions from the Connecticut Board of Pardons and Paroles. ICE's position is that Ms. Walton's pardon does not satisfy the provisions of 8 U.S.C. §§ 1182, 1227 and 22 C.F.R. 40.21 because Connecticut pardons are legislative, rather than executive, in nature. I urge you to reconsider this interpretation.

Pursuant to §54-130a of the Connecticut General Statutes, the power to grant pardons in the State of Connecticut is vested in the Connecticut Board of Pardons and Paroles, which consists of "...members appointed by the Governor with the advice and consent of both houses of the General Assembly." Conn. Gen Stat. §54-124(a)(1).

Connecticut's full and unconditional pardons must be considered on a case-by-case basis by the Governor's appointees, not granted automatically by legislative direction. Such pardons are absolute and constitute the erasure of an individual's Connecticut criminal history. The individual granted such a pardon is deemed to never have been arrested with respect to the underlying offense. *Martin v. Hearst Corp.*, 777 F.3d 546 (2015), certiorari

denied 136 S.Ct. 40 (Mem) (2015).

An individual granted a pardon by the Connecticut Board of Pardons and Paroles – just like an individual granted a pardon in any other state – is no longer considered by law to have been convicted or otherwise adjudicated guilty of the pardoned crime. Failure by ICE to acknowledge the pardoning authority of the State of Connecticut creates an unfair and unjust result for the citizens of our state.

We urge you to give Connecticut pardons the respect they are due, and Connecticut individuals who have been pardoned – including Ms. Walton, her U.S. citizen family, and others who may be adversely affected by this policy – the opportunity to continue to contribute positively to our community.

Sincerely,

A handwritten signature in blue ink that reads "Ned Lamont". The signature is fluid and cursive, with the first name "Ned" and the last name "Lamont" clearly distinguishable.

Ned Lamont
Governor

cc: Connecticut Congressional Delegation