

PRESS RELEASE

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DEPORTED CONN. RESIDENTS HEAD TO FEDERAL COURT

Immigration Officials Deny Requests to Return to Testify; Milardo, Giammarco File Suit to Comply with State Legislative Subpoenas

NEW HAVEN, CT: Today, Paula Milardo and Arnold Giammarco, two deported Connecticut residents recently subpoenaed by the Connecticut Judiciary Committee to testify at a hearing on April 4, will file suit in U.S. District Court seeking to compel federal immigration officials to allow them to return to testify. Last week, U.S. Immigration and Customs Enforcement (ICE) denied administrative applications by Mr. Giammarco and Mrs. Milardo, who will request that the federal court issue a writ habeas corpus *ad testificandum*.

Mrs. Milardo, 66, a grandmother of six, is married to a disabled Vietnam veteran, and Mr. Giammarco, 60, is a veteran of the U.S. Army and Connecticut National Guard. Both lived lawfully in the state for fifty years before their deportation based on non-violent criminal offenses.

“ICE snubbed Connecticut last week, refusing to let Mrs. Milardo and Mr. Giammarco comply with subpoenas issued by Rep. William Tong and Sen. Eric Coleman, Co-Chairs of the Judiciary Committee,” said Andie Levien, a law student intern in the Worker & Immigrant Rights Advocacy Clinic at Yale Law School. “A federal agency should not deprive the Connecticut General Assembly of the testimony it deems necessary to hear.”

“For centuries, courts have ordered recalcitrant custodians to produce witnesses for legislative hearings, respecting the sovereignty and constitutional duties of legislatures,” said Avinash Samarth, a law student intern in the clinic. “Banishing people and making the world their prison does not strip courts and legislators of this power.”

Paula Milardo moved legally to the United States from Italy with her parents in 1961, when she was 11 years old. She grew up in Middletown, Connecticut, and in 1970, she married Anthony Milardo, a disabled U.S. Army veteran who served in Vietnam. In Middletown, the Milardos raised three children, and are now grandparents to six grandchildren. She was a legal permanent resident for nearly 50 years.

In 2010, Mrs. Milardo pled guilty to larceny in the first degree. The offense, her first and only, stemmed from a gambling addiction she developed while her husband battled stage III colon cancer. Mrs. Milardo apologized and accepted responsibility for her actions. She paid back the money she stole, completed treatment for her gambling addiction, and served her prison sentence. After completing her sentence, however, the federal government punished her a second time: it arrested, detained, and deported her to Italy. Since 2011, Mrs. Milardo has lived in exile.

Arnold Giammarco moved legally to the United States from Italy with his parents in 1960, when he was 4 years old, and grew up in Hartford, Connecticut. Mr. Giammarco enlisted in the U.S. Army as a teenager, following in the footsteps of his grandfather, an Italian immigrant who fought for the United States in World War I, later joined the Connecticut Army National Guard. After Mr. Giammarco's first marriage ended, he fell into a period of drug addiction and was convicted of a number of low-level larceny and drug possession offenses. In the 2000s, Mr. Giammarco overcame his addiction, remarried, had a daughter, and worked to support his family. The Connecticut State's Attorneys who prosecuted Mr. Giammarco during his period of addiction have reviewed the cases and concluded that they do not oppose a full pardon for him.

Nevertheless, in 2011, federal immigration agents arrested Mr. Giammarco at his home, placed him in removal proceedings, detained him for 18 months without bond, and deported him to Italy in 2012. He had been a legal permanent resident for 52 years. In 2013, Mr. Giammarco filed a federal lawsuit to compel the government to adjudicate his 1982 citizenship application, which has languished for decades; that lawsuit is still pending. The federal government continues to defend its actions and justify Mr. Giammarco's banishment.

Mrs. Milardo and Mr. Giammarco are represented by law students and their supervising attorneys in the Worker & Immigrant Rights Advocacy, Veterans Legal Services, and Criminal Justice Clinics, all a part of the Jerome N. Frank Legal Services Organization at Yale Law School.