

**Testimony of Wintana Yohannes
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**Hearing on SB 929
House Courts of Justice
Sub-Committee: Sub-Committee #1
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Chairperson Adams and members of the Committee, thank you for the opportunity to submit written testimony in support of SB 929. My name is Wintana Yohannes, and I am a student-attorney at the Immigration Clinic at the George Washington University Law School Jacob Burns Community Legal Clinics. As an immigrant and a former resident of Virginia for over 15 years, I urge this Committee to advance SB 929 to help ensure that immigrants in Virginia are not subjected to detention and deportation solely on the basis of minor misdemeanors. Though technical in nature, if adopted, this amendment would make a world of difference for vulnerable members of our community who may otherwise be barred from immigration relief due to a Class 1 misdemeanor conviction.

Consider the story of M.C.C. A dedicated father of three minor U.S. citizen children, loyal partner, and Immigration Clinic client, M.C.C. is subject to removal to his home country of Mexico because he obtained a Class 1 misdemeanor in Virginia for giving a false identity to a law-enforcement officer—a human error he made due to heightened nerves and fear, which he clarified within seconds of his mistake. Because the maximum term of confinement for a Class 1 misdemeanor is 365 days, and convictions that carry 365 days or more of incarceration can qualify as “crimes involving moral turpitude” (CIMT) under federal immigration law, M.C.C. was convicted of CIMT on the basis of his Class 1 misdemeanor, making him vulnerable to deportation on the basis of a very minor criminal conviction. M.C.C. did not harm anyone, his conviction was not violent in nature, and the conduct that led to the conviction was a minor traffic violation. Is M.C.C. the kind of person we want to deport from our country? Minor convictions should never result in the catastrophic effects of detention or deportation.

In the four years since M.C.C.’s Cancellation of Removal was denied on the basis of his Class 1 misdemeanor, he and his family and friends have lived in uncertainty as to whether he would be banished from the country he now calls home and where he has planted his roots. As the source of financial security for his family, M.C.C. also serves as the primary caretaker for his child, C.C., who suffers from brain seizures among other medical conditions. If deported, his longtime partner and three children would remain in the United States without the financial resources, emotional support, and stability M.C.C. provides. Such a separation would leave a devastating impact. As M.C.C.’s child phrased it, “my dad is my whole Milky Way.”

By reducing the maximum possible sentence for a Class 1 misdemeanor in Virginia from 365 days to 364 days, this bill would help to keep families such as M.C.C.'s together, who might otherwise be torn apart due to a bar from immigration relief on the basis of a Class 1 misdemeanor conviction. Therefore, I respectfully urge this Committee to support SB 929.