

STAND. COM. REP. NO.

2796

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3197
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3197, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IMMIGRATION CONSULTANTS,"

begs leave to report as follows:

The purpose of this measure is to ensure that immigrants
receive proper immigration services and consultation by
prohibiting individuals without training or experience in
immigration law from rendering advice to immigrants regarding
their immigration issues.

Testimony in support of this measure was submitted by
Catholic Charities of Hawaii.

Your Committee finds that immigrants in Hawaii sometimes fall
prey to notary publics or travel agents who assist them in their
immigration matters, only to receive poor, inaccurate, or
unqualified advice. Prohibiting individuals without training or
experience in immigration law from rendering advice on immigration
matters will provide a safeguard for immigrants who are in the
immigration process.

Testimony indicates that nonprofit, religious, charitable,
social service, or similar organizations recognized by the U.S.
Department of Justice, Board of Immigration Appeals may apply for
the accreditation of individuals of good moral character as its
representatives. These accredited individuals are authorized to
provide limited representation of an organization's clients before



the Department of Homeland Security's Citizenship and Immigration Service and before the Board of Immigration Appeals, which includes practice before immigration judges. These accredited individuals serve a vital need in the immigration community, especially when individuals and their families do not have sufficient funds to afford the services of an immigration attorney.

Your Committee has amended this measure by:

- (1) Limiting the exclusion applicable to attorneys, to those who are licensed to practice in Hawaii;
- (2) Limiting the exclusion applicable to paralegals or other employees of an attorney, to those who work for an attorney licensed to practice law in Hawaii; and
- (3) Amending the effective date to July 1, 2050, for purposes of facilitating further discussion and clarification.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3197, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3197, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



