



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

January 31, 2019

TO: The Honorable Senator Russell E. Ruderman, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 227 – RELATING TO IMMIGRATION**

Hearing: Friday, February 1, 2019 2:45 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and offers comments.

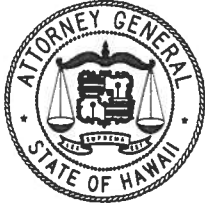
PURPOSE: The purpose of this Act is to make an appropriation to the Department of Human Services to contract with non-profit providers to provide access to legal counsel to immigrants in immigration proceedings.

DHS has long recognized that in addition to financial assistance, food assistance, medical insurance coverage, and other services and benefits, recipients and applicants of DHS services, citizens and non-citizens alike, often require civil legal services to meet or obtain fundamental needs. Assisting individuals and families with addressing their complex legal issues will remove barriers that hamper residents' ability to gain employment, permanent housing, a violence free family home, as well as to uphold consumer protection, fair housing, and other laws. Attending to the civil legal needs of low-income families, will allow families to concentrate on the day to day care and needs of their children, disabled or elderly family members and improve their overall health and well-being.

DHS was a participating member of the HCR 12 HD1 (2015) and SR 6 SD1 (2015) working groups that recommended increased funding for civil legal services for Hawaii's low-income residents. We encourage the legislature to fund civil legal services for low income residents as broadly as possible so that a comprehensive array of services is available as part of a plan toward safety, recovery, and self-sufficiency. For example, a sex-trafficked minor or adult who are also non-citizens; non-citizen victims of domestic violence, aged blind or disabled elder non-citizens, or adoptive parents of a non-citizen foster child all need basic civil legal services as well as representation with immigration matters. DHS also supports non-citizens' pathway to US citizenship.

DHS supports a broad appropriation for civil legal services if it does not supplant or replace fiscal priorities identified in the executive budget.

Thank you for the opportunity to provide testimony on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:
S.B. NO. 227, RELATING TO IMMIGRATION.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Friday, February 1, 2019 **TIME:** 2:45 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Ruth K. Oh, Deputy Attorney General

Chair Ruderman and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill would appropriate funds to be expended by the Department of Human Services to procure legal services for individuals who need assistance in immigration proceedings.

Article VII, section 4 of the State Constitution provides in relevant part that:

No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose.

This bill does not provide a justification as to how the use of public funds to assist private individuals in immigration proceedings would serve a public purpose, which could make the appropriation subject to constitutional challenge.

To defend against potential legal challenges, we recommend that wording be added to the bill to make clear how the proposed use of the appropriation would achieve a public purpose.

Thank you for the opportunity to testify.

SB-227

Submitted on: 1/29/2019 10:02:21 PM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Testifying for Honolulu County Republican Party	Oppose	No

Comments:

The Honolulu County Republican Party OPPOSES this bill. Public funds should not be used for private legal defense.

SB-227

Submitted on: 1/30/2019 10:34:56 AM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS	DIRECTORS			MAILING ADDRESS
John Bickel, President	Melodie Aduja	Ken Farm	Stephen O'Harrow	P.O. Box 23404
Alan Burdick, Vice President	Guy Archer	Chuck Huxel	Doug Pyle	Honolulu
Marsha Schweitzer, Treasurer	Juliet Begley	Jan Lubin		Hawai'i
96823				
Dylan Armstrong, Secretary	Gloria Borland	Jenny Nomura		

Jan 30, 2018

TO: Honorable Chair Ruderman & HMS Committee Members

RE: SB 227 Relating to Immigration

Support for hearing on Feb. 1

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support SB 227 as it would have the Department of Human Services contract for legal counsel for immigrants in immigration proceedings. Given the current state of the federal government, immigrants are in dire need of legal help. We appreciate the efforts that are made by this bill.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



SB-227

Submitted on: 1/31/2019 2:33:49 PM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

Senator Russell E. Ruderman, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Human Services

Christiana Kurashige

Friday, February 1, 2019

Support for S.B. No. 227, Relating to Immigration

I am a University of Hawaii student pursuing my Master's in Social Work. I am specializing in Child and Family. As a future social worker, I am in support of SB 227, relating to immigration, which would appropriate funds to the Department of Human Services to contract with non-profit organizations to provide legal assistance to immigrants for immigration proceedings.

As a state, Hawaii is home to many immigrants. According to the American Immigration Council 2017 Fact Sheet, Hawaii had 253,414 immigrants, which is 17.7 percent of the state's population. Evidently, immigrants play a significant role in our state life. They contribute to our economy and our workforce, making them an important part of our society.

Despite their crucial role, immigrants may struggle financially and need the assistance of the Department of Human Services to help them address specific challenge areas. Since the department is able to contract various programs to provide services in relation to mental health, substance abuse treatment, or housing (and more), it only makes sense to appropriate funds for immigrants to receive legal assistance in immigration proceedings to widen the expanse of services offered. The legal process for immigrants who may struggle with navigating a different culture and language may be intimidating and overwhelming, which is why this an important area for the State to address.

As social work students, we learn clients often have multiple challenges facing them at one time. We may be able assist them in some of these areas through various relevant and needed services with the funding we currently have. If we truly want immigrants to succeed and pursue independence, however, it is vital to eliminate immigration status barriers by offering more contracted services specifically relating to immigration proceedings.

As social workers, it can often be frustrating to identify areas clients need assistance in but be unable to provide the necessary resources to address the challenge areas due to the lack of funds and a client's limited resources. Ultimately, contracted services can mean more accessibility for more people, which is what the profession of social work strives for.

While I am aware this bill is in need of amendments and further specifications, I am supporting the principles behind this bill and hope the committee moves this bill forward by continuing to refine and finalize this bill. Thank you for taking your time to read this testimony.

TO: Senator Russell E. Ruderman, Chair – Committee on Human Services
Senator Karl Rhoads, Vice Chair - Committee on Human Services

DATE: Friday, February 1, 2019
TIME: 2:45 PM
PLACE: Conference Room 016

Re: SB 227, Relating to Immigration

Position: Support

Dear Senator Ruderman, Senator Rhoads and Committee Members,

I am writing to support SB 227 to appropriate funds to the department of human services to help provide legal assistance to immigrants in immigration proceedings.

There are immigrants who seek to continue or obtain legal status in the United States who find it very difficult to navigate the complex process required in the immigration courts. In addition to the complexity of the process, many immigrants lack the resources to obtain legal counsel to help them understand the requirements and documentation necessary to continue the process.

I have personally accompanied immigrants to support them in this process and participated in initiatives to help complete the application documentation. It is a complicated process. Please help our neighbors who live in our community in their quest to become and continue to be good citizens who contribute to our state.

Thank you for the opportunity to testify.

Sincerely,

Cynthia J. Goto, M.D.

Senator Russell E. Ruderman, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Human Services

Chelsie Alkire
Student at University of Hawai`i at Manoa
808-388-5798 (cell)

Friday, February 01, 2019

Support for S.B. No. 227, Relating to Immigration

Aloha Senator Ruderman, Senator Rhoads, and other committee members,

My name is Chelsie, and I am currently an international student at the University of Hawai`i at Manoa (UHM). I am in strong support for S.B. No. 227, Relating to Immigration, as I believe allocating funds to allow local non-profits to provide legal counseling for immigrants will be beneficial for the following reasons:

- 1) Decrease the likelihood of unintentional unlawful immigration, such as unintentional unlawful presence in the United States.
 - Navigating the system of U.S. Citizenship and Immigration Services (USCIS), including but not limited to filling out forms, meeting deadlines, and providing supporting documentation, can be a challenging process. In my personal experience when applying for an adjustment of status through marriage, I sometimes had trouble understanding what certain forms were asking of me, what supporting documents were needed, and felt a little blind in terms of what to expect. I was fortunate to be able to receive legal counsel to guide me through a potentially confusing process, thus minimizing my chance for error or misrepresentation due to my ignorance of the process.
- 2) Allow immigrants to improve their quality of life.
 - Immigrants that receive legal counsel when navigating the USCIS can feel peace of mind, like I did, knowing that they are guided by a professional during this crucial period of time.
- 3) Prevent cases from being unnecessarily delayed due to initial application errors
 - If legal counsel is available regardless of ability to pay, or on a sliding fee scale, it obviously would benefit the immigrant(s). However, it would also benefit USCIS as professional legal guidance can help ensure that applications are submitted without error. This would allow both the immigrant(s) and USCIS to process the case in a more efficient manner. When I submitted for my F1 student visa as an undergraduate student at UHM, my process was slightly delayed due to my own ignorance to the process. I believe this could have been easily prevented if I had the proper legal counsel.

Immigrants should not be denied help due to lack of income. Although the argument can be made that USCIS provides instructions for all their forms, I know from firsthand experience that sometimes those instructions can be vague or may not make as much sense in a unique situation. During times like that, legal counsel can step in to ensure maximum efficiency and peace of mind for the immigrant(s).

I strongly urge the committee to pass S.B. No. 227. I would like to thank each and every one of the committee members for all the hard work that is put in daily for us, your constituents. Thank you for this opportunity to testify.

SB-227

Submitted on: 1/31/2019 6:07:36 AM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Dye	Individual	Support	No

Comments:

Testimony in support of SB227 relating to immigration.

The immigration bureaucracy is daunting, and expert help is needed to navigate it, unfortunately. Many of the immigrants likely to access this service are members of US families too poor to pay for the required legal services. It makes good sense to help these poor families stay together.

SB-227

Submitted on: 1/31/2019 9:43:35 AM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kawamoto	Individual	Support	No

Comments:

Immigrants come to our country determined to work to make better lives for themselves and their children. They are willing to work at low paying jobs because they do not possess the skills that would qualify them for higher paying jobs. Due to their low income, when faced with legal matters, they are often unable to pay for attorneys.

The U.S. immigration system does not provide court-appointed counsel to immigrants facing deportation who are unable to afford a lawyer. Only 37% of immigrants go to court with lawyers on their side, according to an American Immigration Council study issued in 2016.

In many cases, immigrants who have limited English proficiency and limited understanding of America's complex immigration system, including children, are forced to argue their cases in court without legal representation. In their hearings, they face adversarial government attorneys who represent one of the best-resourced federal agencies, the U.S. Immigration and Customs Enforcement.

The lack of appointed counsel may have a profound impact on immigrants' ability to receive a fair hearing. Legal counsel ensures that immigrants receive meaningful hearings.

SB-227

Submitted on: 1/31/2019 12:33:15 PM

Testimony for HMS on 2/1/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Kai	Individual	Support	No

Comments: