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LATE

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 227 SD 1 – RELATING TO IMMIGRATION**

Hearing: February 26, 2019 10:00 a.m.
Conference Room 211, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill, offers comments, and requests clarification. DHS requests clarification of the target population the Legislature intends to serve, for example, DHS recipients, low income families, low income individuals, or the aged, blind or disabled.

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.

10:0 am, February 26, 2018

Testimony in support SB 227 Relating to Immigration
Testimony submitted by Amy Agbayani, chair
Filipina Advocacy Network (FAN)
3432 B-1 Kalihi St. Honolulu, Hi 96819

Chair Rhoads, Chair dela Cruz, Vice Chairs and members

I am representing, Filipina Advocacy Network (FAN) in strong support of SB557. FAN advocates for equity, non-discrimination, diversity, and inclusion. We support SB227 which provides funding for immigrant legal services. FAN is very concerned that members of the Filipino community, many who are recent immigrants, will face even more barriers to equal and full participation and fair treatment.

In 1906 fifteen men left the Philippines and came to Hawai'i to work on the plantations. Since then thousands of Filipinos, their children and grandchildren have become citizens and residents of the state. Filipinos (26% alone and mixed) are now the second largest ethnic group in the state (after White/Caucasians). Since the 1965 major amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state annually. One estimate is that 40% of the undocumented people in our state are from the Philippines. Many are in mixed status households (a spouse or a child may be a US citizen or legal resident), most are Catholic and some are Muslims. They are our neighbors, colleagues, students, workers, caregivers and taxpayers.

Immigrants (both documented and undocumented) are "crucial" to the welfare of our nation and our state. Data shows that

immigrants in general make major contributions to our state but those dealing with immigrant status issues cannot fully participate, many are threatened with family separation, many do not know their legal rights or ways to regularize their status. Changes in policy and practice at the national level will increase problems and opportunities for Hawai'i immigrants and their families.

Please support sb 227 as funding for legal services for low income immigrants is needed and will benefit not only these individual immigrants but their families and our community.



Testimony of Hawaii J-20+
Supporting SB 227 SD 1
Senate Committees on Judiciary and Ways & Means
February 25, 2019 at 10:00 a.m. in Conference Room 211

Hawaii J-20+ is a grassroots organization committed to preserving constitutional principles and community values.

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 generally 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.

For the foregoing reasons, Hawaii J-20+ supports the bill and urges the joint committee to pass it.

SB-227-SD-1

Submitted on: 2/26/2019 3:11:39 AM

Testimony for JDC on 2/26/2019 10:00:00 AM

LATE

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:

SB-227-SD-1

Submitted on: 2/22/2019 8:48:44 AM

Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Malate	Individual	Support	No

Comments:

SB-227-SD-1

Submitted on: 2/22/2019 5:18:47 PM

Testimony for JDC on 2/26/2019 10:00:00 AM

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

Comments:

I am submitting this testimony on my own individual behalf. I am a practicing Immigration Lawyer in private practice and teach immigration law-related courses part-time at the Wm. S. Richardson School of Law. I support the findings of the Legislature indicating that our immigrant community is underserved and disadvantaged in federal immigration proceedings, and applaud this effort to build capacity in our legal services community to address this very real problem.

In this, Hawaii will be joining a growing number of states and municipalities who are incorporating immigrant defense support into their budgets and into their government services infrastructures. States such as Wisconsin, New York and California are funding local programs, and cities such as Baltimore, Seattle, Chicago and San Francisco are hiring immigration practitioners onto their Public Defender teams.

SB 227 is a solid start in this positive direction and will aid in building capacity in our non-profit legal services sector.

TO: Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair
Members of the Committee on Judiciary

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

DATE: Tuesday, February 26, 2019
TIME: 10:00 AM
PLACE: Conference Room 211

Re: SB 227, SD 1, Relating to Immigration

Position: Support

Dear Senator Rhoads, Senator Wakai, Senator Dela Cruz, Senator Keith-Agaran and Committee Members,

I am writing to support SB 227 SD 1 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.

SB-227-SD-1

Submitted on: 2/25/2019 1:20:26 AM

Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Individual	Support	No

Comments:

Chairs Rhoads/Dela Cruz; Vice Chairs Wakai/Keith-Agaran; Committee Members:

As law student currently enrolled in the Refugee & Immigration Clinic at the UH William S. Richardson School of Law, I can attest to the great need for the services described in this measure.

An appropriation toward helping these efforts would be a testament to how much Hawai'i embraces and understands immigration. Accordingly, I strongly support this measure.

Mahalo for the opportunity to testify.

LATE

SB-227-SD-1

Submitted on: 2/25/2019 1:12:31 PM
Testimony for JDC on 2/26/2019 10:00:00 AM

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

Comments:

LATE

SB-227-SD-1

Submitted on: 2/25/2019 1:12:41 PM
Testimony for JDC on 2/26/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danicole Ramos	Individual	Support	No

Comments:

I respectfully submit my testimony in strong support of SB 227. I am a child of Filipino immigrants and grew up in Waiialua, where my grandfather worked in the sugarcane plantation. Before I moved back home to Hawai'i, I was in Washington D.C. and worked for United We Dream, the largest immigrant youth-led community in the country. Through grassroots organizing, they create welcoming spaces for young people – regardless of immigration status – to support, engage, and empower them to make their voice heard and win!

During my time with United We Dream, I worked alongside with and advocated for immigrants of various statuses all across the country. One of the common challenges this group faced is the high cost of legal services. Most of these immigrant families were income restrained and sometimes sacrificed their entire life savings to pay for legal services. A qualified and respected immigration lawyer can be expensive and inaccessible to this income restrained community.

This appropriation provides an opportunity for the Health Department to enact due diligence and vet legal services that can best support this community.

I urge you to pass SB 227 SD1. Mahalo!