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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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TO: The Honorable Representative Joy A. San Buenaventura, Chair
House Committee on Human Services & Homelessness

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 227 SD 2 – RELATING TO IMMIGRATION**

Hearing: March 13, 2019, 8:30 a.m.
Conference Room 329, 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 with children, 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. The Senate Committee on Human Services amended the measure by inserting a purpose section; changing the appropriation to \$100,000, and making technical amendments. The Senate Committees on Judiciary and Ways and Means, made very technical amendments and defected the effective date.

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.

SB-227-SD-2

Submitted on: 3/11/2019 8:58:30 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

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

Comments:

The Honolulu County Republican Party OPPOSES use of taxpayer dollars to pay for ILLEGAL immigrant legal fees.

We are not fooled by the language. This is to use taxpayer dollars to provide legal counsel to ILLEGAL immigrants. Even the State AG said this bill may violate Article VII, section 401 of the State Constitution.

8:30 am, March 13, 2018

Testimony in support SB 227.SD2 Relating to Immigration
Testimony submitted by Amy Agbayani, chair
Filipina Advocacy Network (FAN)
3432 B-1 Kalihi St. Honolulu, Hi 96819

Chair San Buenaventura and members of the committee

I am representing, Filipina Advocacy Network (FAN) in strong support of SB227 sd2. 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. Immigrants, particularly those who may have visa issues are vulnerable because of their status, lack of English ability, knowledge of the culture and legal system, and very limited access to legal assistance.

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.

SB-227-SD-2

Submitted on: 3/12/2019 8:56:21 AM

Testimony for HSH on 3/13/2019 8:30:00 AM

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

Comments:

SB-227-SD-2

Submitted on: 3/13/2019 7:20:17 AM

Testimony for HSH on 3/13/2019 8:30:00 AM

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Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Malate	Filipinos for Affirmative Action	Support	No

Comments:

Aloha!

I am in strong support of this bill to provide funding to the Department of Human Services to contract with non-profit providers to provide access to legal counsel to immigrants in immigration proceedings. Access to legal counsel is necessary to provide immigrants' ability to have a fair hearing.

Mahalo,

Agnes Malate

SB-227-SD-2

Submitted on: 3/11/2019 8:32:32 AM

Testimony for HSH on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tracey Clay-Whitehurst	Individual	Oppose	No

Comments:

SB-227-SD-2

Submitted on: 3/11/2019 9:46:23 AM

Testimony for HSH on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Oppose	No

Comments:

SB227 is a bad bill. It proposed the use of taxpayer dollars to provide legal counsel to ILLEGAL immigrants. Even the State AG said this bill may violate Article VII, section 401 of the State Constitution. Vote NO on SB227.

SB-227-SD-2

Submitted on: 3/8/2019 4:07:07 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

TO: Representative Joy A. San Buenaventura, Chair
Representative Nadine K. Nakamura, Vice Chair
Members of the Committee on Human Services & Homelessness

DATE: Wednesday, March 13, 2019
TIME: 8:30 AM
PLACE: Conference Room 329

Re: SB 227, SD 2, Relating to Immigration

Position: Support

Dear Representative San Buenaventura, Representative Nakamura, and Committee Members,

I am writing to support SB 227 SD 2 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-2

Submitted on: 3/11/2019 4:36:15 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

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

Comments:

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/SD 2 is a solid start in this positive direction and will aid in building capacity in our non-profit legal services sector.

Representative Joy A. San Buenaventura, Chair
Representative Nadine K. Nakamura, Vice Chair
House Committee on Human Services and Homelessness

Christiana Kurashige

Wednesday, March 13, 2019

Support for S.B. No. 227 SD 2, 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 SD 2, relating to immigration, which would appropriate 100,000 dollars 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.

Opponents of this bill may argue that the state's money should not be used to assist individual matters. However, it is important to remember that immigrants enrich the economy, adding to the state's workforce and revenue. In New Jersey, the state found that providing legal assistance to immigrants facing deportation was more cost effective than losing immigrants due to deportation. Providing legal assistance to immigrants is something that affects the community, therefore, it should be the state's responsibility to assist immigrants in need.

Furthermore, a study conducted in New York found that immigrants who had representation were six time more likely to be successful in court whereas only three percent without representation prevailed in court when facing deportation. With the complexity of the legal system, immigrants need expert legal advice and counsel. When we provide this, we prevent potential family separation and ensure that people have equal opportunity to prosper in this state.

As a future social worker, I strongly support this bill because it ensures immigrants have a fair chance to pursue a better life. By removing barriers, such as lack of legal representation and counsel, we remain true to our state's roots as an immigrant state and we work to empower families to remain united.

I respectfully ask this committee to consider this bill and hope the committee moves SB 227 SD 2 forward by continuing to refine and finalize this bill. Thank you for taking your time to read this testimony.

SB-227-SD-2

Submitted on: 3/12/2019 12:15:04 AM

Testimony for HSH on 3/13/2019 8:30:00 AM

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

Comments:

Chair San Buenaventura; Vice Chair Nakamura; 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.

SB-227-SD-2

Submitted on: 3/12/2019 8:41:57 AM

Testimony for HSH on 3/13/2019 8:30:00 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!

SB-227-SD-2

Submitted on: 3/12/2019 1:46:18 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bettina Mok	Individual	Support	No

Comments:

Dear Committee Members:

With its rich immigrant history and diversity, Hawai'i ranks 6th highest among US states for foreign-born residents. According to the American Immigration Council and the US Bureau of Statistics, one in five workers in Hawai'i are immigrants, and Hawai'i's residents generate over \$385 million in revenue annually, and contribute over \$668 million in state and local taxes a year.

A 2016 study by the Center for American Progress notes that 90% of those who were denied asylum in the US had no legal counsel. Here in Hawai'i, many of the estimated 40,000 undocumented residents in our state may be eligible for legal residency, but without access to legal representation, are vulnerable to losing their cases in court or may be too fearful to come forward to petition their status. In 2017, only 37% of petitioners going before Immigration Court in Honolulu had legal counsel--resulting in one third of them being deported (removal or voluntary departure status). There are a limited number of experienced immigration lawyers in Hawai'i--and most carry heavy caseloads. This bill, if passed, would increase capacity for legal representation of immigrants in Hawai'i, and in turn contribute to the safety and economic strengthening of our general population.

Thank you for your careful consideration.

With Aloha,

Bettina Mok

LATE

SB-227-SD-2

Submitted on: 3/12/2019 8:28:41 PM

Testimony for HSH on 3/13/2019 8:30:00 AM

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

Comments:

Immigrants want to work to make better lives for themselves and their children. However, in most cases they must work at low paying jobs because they do not possess the skills that would qualify them for higher paying jobs. When faced with legal matters, they are often unable to pay for attorneys.

The 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.

Immigrants who have limited English proficiency and 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.

Legal counsel not only ensures that immigrants receive meaningful hearings, but makes immigration court proceedings more efficient. Improving access to counsel and legal information could help decrease the immigration court backlog, which has reached an all-time high.