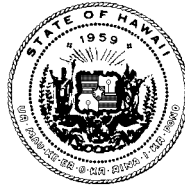


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

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

February 2, 2020

TO: The Honorable Brian T. Taniguchi, Chair  
Senate Committee on Labor, Culture, & the Arts

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 3141 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

Hearing: February 4, 2020, 2:05 p.m.  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure and defers the Department of the Department of Labor & Industrial Relations.

**PURPOSE:** The purpose of this bill is to appropriate funds to the Department of Labor and Industrial Relations, Office of Community Services to contract with non—profit service providers for legal counsel to assist and represent low—income immigrants in immigration proceedings and immigrant status issues. Appropriates funds.

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. Non-citizens have additional legal burdens that often require representation in federal and state proceedings.

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 participated in the work 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- or labor-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.

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



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE E. PERREIRA- EUSTAQUIO  
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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February 3, 2020

To: The Honorable Brian T. Taniguchi, Chair  
The Honorable Les Ihara, Jr., Vice Chair, and  
Members of the Senate Committee on Labor, Culture and the Arts

Re: **SB 3141**, Relating to Legal Services for Low-Income Immigrants  
Hearing: Tuesday, February 4, 2020, 2:45 pm, Room 225  
Position: **Strong Support**

Aloha, Chair Taniguchi, Vice Chair Ihara, and Members of the Committee:

The Office of Community Services (OCS), by its founding statute, HRS Chapter 371K, is committed to serving the immigrant communities in the State of Hawaii, as well as other underserved communities. The present bill would provide an appropriation of \$150,000 to OCS to contract with one or more non-profit organizations to provide legal counsel to low-income immigrants to assist and represent them in immigration proceedings and provide assistance to them on immigrant status issues.

This bill is in harmony with OCS's basic mission and goals. OCS **strongly supports** this bill. Thank you for the opportunity to testify on this measure.

Respectfully,

Jovanie Domingo Dela Cruz  
Executive Director

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE E. PERREIRA- EUSTAQUIO  
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
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February 3, 2020

To: The Honorable Brian T. Taniguchi, Chair  
The Honorable Les Ihara, Jr., Vice Chair, and  
Members of the Senate Committee on Labor, Culture and the Arts

Re: **SB 3141**, Relating to Legal Services for Low-Income Immigrants  
Hearing: Tuesday, February 4, 2020, 2:45 pm, Room 225  
Position: **Strong Support**

Aloha, Chair Taniguchi, Vice Chair Ihara, and Members of the Committee:

The Office of Community Services (OCS), by its founding statute, HRS Chapter 371K, is committed to serving the immigrant communities in the State of Hawaii, as well as other underserved communities. The present bill would provide an appropriation of \$150,000 to OCS to contract with one or more non-profit organizations to provide legal counsel to low-income immigrants to assist and represent them in immigration proceedings and provide assistance to them on immigrant status issues.

This bill is in harmony with OCS's basic mission and goals. OCS **strongly supports** this bill, so long as it does not conflict with the priorities identified in the Governor's Supplemental Budget request. Thank you for the opportunity to testify on this measure.

Respectfully,

Jovanie Domingo Dela Cruz  
Executive Director

Committee on Labor, Culture and the Arts  
February 4, 2020 @ 2:45  
Room 224

Testimony in support of SB3141  
Relating to legal services for lo-income immigrants

Testimony submitted by Amy Agbayani, co-chair  
Filipina Advocacy Network (FAN)

Chair Taniguchi, Vice Chair Ihara and members of the committee

My name is Amy Agbayani, co-chair of the Filipina Advocacy Network (FAN) in support of. We support SB 3141 which provides funding to the Department of Labor and Industrial Relations Office of Community Service to contract with non-profit organizations to provide legal assistance to low-income immigrants. The DLIR Office of Community Services includes immigrants and refugees within its scope of responsibilities and has extensive experience and expertise working with non-profit service providers serving low income communities.

FAN advocates for equity, non- discrimination, diversity, and inclusion of Filipinos in our multicultural state. We thank the Filipino House legislative caucus for including this bill among its priorities. supporting this bill providing needed legal resources to the immigrant community to protect their rights and support their families.

FAN is very concerned that immigrants, including members of the Filipino community 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, low-income, lack of English ability, unfamiliar with community

resources and the legal system. These vulnerable immigrants have no access or very limited access to legal assistance and unaware of their rights and responsibilities. FAN also supports efforts of individuals who are eligible for citizenship but have difficulty with the naturalization process.

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). The majority of Filipinos in Hawai'i are US citizens (native born or naturalized).

Since the 1965 major amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state annually. Most Filipino immigrants have legal status but a small percentage are undocumented. 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 SB3141 as funding for legal services for low income immigrants fills a critical need. Access to legal counsel for immigrants in immigration proceedings is necessary to assure immigrants have a fair hearing and able to access their legal

rights and responsibilities. This assistance will benefit not only these individual immigrants but their families and our community.

We are in support of HB2380 which provides funding to Department of Labor and Industrial Relations" which houses the Office of Community Services. The Office of Community Services includes immigrants and refugees within its scope of responsibilities and has extensive experience and expertise working with non-profit service providers serving low income communities.

We want to take this opportunity to express our appreciation to your committee for your past support for legal assistance to low income immigrant communities in our state. We respectfully request approval of SB3141.





February 3, 2020

## Testimony in Support of Senate Bill 3141 – Relating to Legal Services for Low-Income Immigrants

Senate Committee on Labor, Culture and the Arts

Aloha Chairman Brian Taniguchi; Vice-Chair Les Ihara; and Members of the Committee

This testimony is presented on behalf of The Legal Clinic (“TLC”). TLC is a new non-profit organization which provides legal, educational and related services to the low-income immigrant community in Hawai'i. We strongly support the passage of SB 3141, which makes an appropriation to the department of labor and industrial relations' office of community services to contract with nonprofit organizations to provide legal assistance to low-income immigrants.

Hawai'i ranks 6th nationally in the percentage of the foreign-born among its residents. Nearly one in five Hawai'i residents is an immigrant (approximately 256,700 residents), while more than one in seven is a U.S.-born citizen with at least one immigrant parent.

While Hawai'i ranks high, percentage wise, in the number of immigrants, it ranks low (4th lowest in the nation) in the number of those residents who become naturalized citizens. Forty two percent of our immigrants (approximately 108,000 residents) are not U.S. citizens. As such, they remain vulnerable to the ever-changing immigration policies which have become increasingly restrictive.

Confronting the immigration system can be a complicated and daunting process. Application for naturalization (there are an estimated 54,000 of our residents who are eligible to apply) requires an extensive 20-page form calling for detailed personal and other information, including work and travel history, membership in organizations, beliefs, and other information. Documents supporting the application must also be submitted. Similarly, those who seek to obtain permanent legal status (“green cards”) or family reunification or asylum must endure an extended and difficult bureaucratic process. And, a mishap in these processes could result in removal if information is not presented in the proper way.

Moreover, for those who are brought into the immigration system because of questions about their legal status, legal counsel is even more important. Nationwide, there is a backlog of 700,000 people awaiting immigration court proceedings. Most cannot afford legal assistance, but being represented makes a significant difference in the outcomes of these proceedings. In 2016, 90% of those who were denied asylum had no legal representation, while 48 % of those with legal counsel were denied (Center for American Progress).

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It goes without saying that legal counsel is not only expensive, but also hard to come by. In Hawai'i, there are few practicing immigration attorneys. And, because of the realities of earning a living, there are almost none who provide free legal services to our indigent immigrants. (The Honolulu Immigration Court's list of attorneys who are available to provide free legal services, which it is required to hand out to respondents appearing before it, contains no attorneys.) The few non-profit organizations that provide immigration related services are limited in their provision of legal services, and the main provider of legal services to the poor (Legal Aid Society's Hawai'i Immigration Justice Center) is restricted by its federal funding from assisting undocumented residents, unless they are subject to abuse, crime or trafficking.

There is an urgent need in Hawai'i for accessible and affordable legal counsel and related services for low-income immigrant residents. We respectfully request that you pass SB 3141 providing for an appropriation for contract services for legal assistance to low-income immigrants.

Thank you.

A handwritten signature in black ink, appearing to read 'Corey Y.S. Park', written in a cursive style.

Corey Y.S. Park  
President, Board of Directors  
The Legal Clinic Hawai'i

**SB-3141**

Submitted on: 2/3/2020 2:00:10 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Agnes Malate	Testifying for Filipinos for Affirmative Action	Support	No

Comments:

The Filipinos for Affirmative Action's mission is to advocate for the civil rights of all in our multicultural community. We firmly support SB 3141 RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.

My parents and I migrated to Hawaii from the Philippines when I was a child and we are now naturalized US citizens. Although immigrants to Hawai'i come from many countries, the majority of immigrants currently, and since the 1965 immigration law, are from the Philippines. Many immigrants who are speakers of languages other than English generally earn less than individuals who are native English speakers who are familiar with the culture and rules of this community and often face challenges in accessing social, legal, and health services.

Many recent immigrants face barriers to obtaining US citizenship even though they are eligible because of the complexity of the process, cost of fees, need for documents and other information. Those who have visa status issues are often not aware of their rights and need legal assistance to deal with immigration requirements and legal proceedings. Even with a doctoral degree and proficiency with English, I found the process of replacing my lost "Certificate of Naturalization" and obtaining a real ID last year much more difficult, involved, and made me wary of the slightest infraction. The rising cost of fees, inability to speak with or meet with a local federal USCIS officer without first scheduling an appointment through a central number can be overwhelming and frustrating. Scheduling an appointment is a two step-process: 1) a person phones the central number for assistance and describes issue or assistance required and 2) a USCIS officer then replies in 48 to 72 hours (sometimes longer) to discuss request and determines if it meets criteria for an meeting in person with someone at the local office.

I am in strong support of SB 3141, which appropriates funds to the Judiciary, 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. I think the Judiciary is an appropriate department but requests consideration of having the appropriation to the Department of Labor and Industrial Relations that has an Office of Community Service responsible of immigrant and refugee programs. Thank you for the opportunity to provide testimony.



**SB-3141**

Submitted on: 2/3/2020 6:09:50 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
	Testifying for Domestic Violence Action Center	Support	No

Comments:

thank you for favorable action to support immigrant members of our community. The Domestic Violence Action Center has a robust concentration of immigrants on our agency's legal caseload.

TO: Senator Brian T. Taniguchi, Chair  
Senator Les Ihara, Jr., Vice Chair  
Members of the Senate Committee on Labor, Culture and the Arts

DATE: Tuesday, February 5, 2020  
TIME: 2:45 PM  
PLACE: Conference Room 224

**Re: SB 3141 Relating to Legal Services for low-income immigrants**

**Position: Support**

Dear Senator Taniguchi, Senator Ihara, and Committee Members,

I am writing to support SB 3141 to appropriate funds to the Department of Labor and Industrial Relations, Office of Community 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

**SB-3141**

Submitted on: 2/3/2020 4:12:36 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

**SB-3141**

Submitted on: 2/3/2020 10:42:41 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Liza Ryan Gill	Individual	Support	No

Comments:

Dear Committee Members,

I am writing this testimony in **STRONG SUPPORT** of SB3141. In this critical moment of unrest for our immigrant friends and family in this country, it is imperative that each state step in and do what we can to fill in the gaping hole that exist in our judicial system. With more than 18 percent of our population in Hawai'i being foreign-born and another 16 percent having at least one parent that is foreign-born, we cannot afford to ignore the realities of the federal attack on immigrants. Many individuals are unaware that immigration court is civil and not criminal and one is entitled to representation. This leads to a gross miscarriage of justice. Immigration law is incredibly complex and everchanging. Even trained lawyers are not always equipped to practice immigration law and require special training to do so. How then can it be expected that a person, for whom English is likely their second language, be expected to not only understand but properly execute their own defense in immigration court. It is nearly impossible and results in many lost cases, due no to the merit of the case at hand, but the ability to navigate the system. This is not justice- for anyone. The more resources we can, as a state, put into supporting organizations that fill the gap, the better. This is not just about doing to right thing in a moment of national need, it is about ensuring that families that live and grow in Hawai'i- expanding our economy and caring for our keiki and kapuna- can keep their families together and prosper here.

Mahalo for your consideration,

Liza Ryan Gill

Member, Advocacy Committee

The Legal Clinic, Hawaii



**SB-3141**

Submitted on: 2/3/2020 11:17:43 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Egan	Individual	Support	No

Comments:

My name is John Egan, and I am a practicing immigration lawyer here in Hawaii, and also teach immigration-related courses part-time at the Wm. S. Richardson School of Law. I am submitting this testimony in my own personal individual capacity. SB3141 would support the capacity-building efforts of non-profits in addressing community needs for legal services and support for our immigrant population. When immigrants' legal needs go unmet the negative cascade effect on their families, employers, schools and other community providers is widespread and longlasting. This bill provides resources where they are clearly needed. I respectfully ask that you support SB3141.

**SB-3141**

Submitted on: 2/3/2020 10:54:50 AM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trevor Asam	Individual	Support	No

Comments:

The representation of individuals in immigration proceedings is an essential component of caring for our community. Nonprofit organizations can serve this need, but require funding to do so.

I support passage of this bill.

**SB-3141**

Submitted on: 2/3/2020 12:08:25 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Swartzfager	Individual	Support	No

Comments:

I strongly urge passage of this bill, which appropriates funds for nonprofit organizations to provide legal assistance and legal counsel to immigrants.

There is a large unmet need for immigrant legal aid in Hawaii. The immigration laws and immigration courts are confusing and complex. The U.S. immigration system does not provide court-appointed counsel to immigrants facing deportation who are unable to afford a lawyer. In many cases, immigrants who have limited English language skills and limited understanding of the complex immigration system, including children, are forced to appear and argue their cases in court without legal representation or assistance.

Having represented immigrants in removal proceedings, I know firsthand the significant difference that legal representation makes. Legal representation ensures that immigrants receive meaningful and fair hearings.

Through the passage of this bill, Hawaii can help ensure that immigrants have access to legal assistance.

**SB-3141**

Submitted on: 2/3/2020 12:11:09 PM

Testimony for LCA on 2/4/2020 2:45:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Gustafson	Individual	Support	No

Comments:

o: Chair Taniguchi, Vice Chair Ihara and members of LCA committee

Re: SB 3141 hearing on 2/4/20 at 2:45pm

Dear Committee Members,

I write in strong support of SB3141 which proposes allocating funding for nonprofits to provide immigration legal services to indigent immigrant residents of Hawaii.

Hawai'i ranks 6th highest among US states for foreign-born residents. Our state benefits tremendously from the contributions of immigrants, who are entrepreneurs and business owners, workers fueling our tourism, healthcare, and construction industries, and who as a whole, contribute over \$668 million in state and local taxes a year (American Immigration Council). And yet, an estimated 90,000+ immigrants citizens in Hawaii are not yet U.S. citizens--including lawful permanent residents, DACA recipients, and many living here for decades without authorization. They aren't able to vote and can't enjoy the full benefits and security that citizenship status offers.

There are woefully few affordable and accessible attorneys in Hawaii available to help low-income immigrants in Hawaii navigate complex immigration law in order to move along the pathway toward citizenship. The few nonprofit legal clinics that are able to help—are under-resourced and spending an inordinate amount of time fundraising when they want to be focused on providing legal services.

As an onslaught of federal policies are further restricting opportunities to attain permanent residency or citizenship status. We are already witnessing the hardships impact families and businesses in our community.

- Health clinics are reporting that more immigrant patients are skipping appointments, due to fear of the “public charge” ruling increasing their chance of deportation.
- A successful shuttle/bus service in Honolulu faced an unprecedented school bus driver shortage as many of its COFA employees were unable to renew their licenses due to an oversight in the REAL ID act policy rollout.

- DREAMers with temporary legal status to work here are having to prepare for a possible end to the DACA program this year—and the real possibility that they could be deported to a country that is foreign to them, with no security or foreseeable opportunity to return.

Many of Hawaii's estimated 40,000 undocumented residents may be eligible for legal residency, but without access to an attorney, they 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).

This bill, if passed, would increase the capacity for immigration legal services in Hawai'i, and help ensure a more civically engaged, secure and healthy immigrant population. This in turn, would benefit our community and our economy overall. I urge you to support the bill as written, and not to earmark funding for any particular organization.

Gus Gustafson

---

Aphirak Bamrungruan  
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Phone: (808) 271-2137  
Email: [aphirakb@gmail.com](mailto:aphirakb@gmail.com)

February 3, 2020

The Honorable Brian T. Taniguchi  
Chair, Senate Committee on Labor, Culture and the Arts.  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Subject: Testimony in strong support of SB 3141 – Relating to Immigration  
Hearing: Tuesday, February 4, 2020, 2:45 p.m.  
Conference Room 224, State Capitol

Dear Chair Taniguchi and Members of the Senate Committee on Labor, Culture and the Arts:

My name is Aphirak Bamrungruan and I am a licensed attorney in State of Hawaii. I submit this testimony in my personal capacity in strong support of SB 3141 – Relating to Legal Services for Low-Income Immigrants.

The purpose of this bill is to appropriate funds to the Department of Labor and Industrial Relations, Office of Community Services to contract with non—profit service providers for legal counsel to assist and represent low—income immigrants in immigration proceedings and immigrant status issues.

Currently, it is very difficult for immigrants to navigate the complex process required under the immigration law and many immigrants lack the resource to obtain legal counsel to help them understand the requirements, rights, and responsibilities under the immigration law.

This bill can help addressing the legal needs of the immigrant community and to increase access to justice in Hawaii.

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

Respectfully submitted,

Aphirak Bamrungruan