

STATE OF HAWAII  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai'i to the House Committee on  
Finance**

February 24, 2022

H.B. No. 1759: RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.

Chair Luke, Vice Chair Yamashita, and Members of the Committee:

The Office of the Public Defender (“OPD”) strongly supports H.B. 1759 which appropriates funds to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants. For these reasons, we applaud and **support H.B. No. 1759** as a promising first step towards protecting a marginalized and vulnerable segment of Hawai`i’s communities.

In 2010, the United States Supreme Court decided *Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010), which significantly expanded the ethical duties and responsibilities of criminal defense counsel representing non-citizen clients. *Padilla* requires that defense counsel is responsible for advising non-citizen clients of potential effects of a criminal conviction on their immigration status. It did not take long for criminal defense attorneys to realize that the area of immigration law was complex, extremely nuanced, and, at times, unpredictable. Put another way, it became apparent that missteps by defense counsel in criminal court could result in dreadful, and often-times irreversible, consequences in immigration court. And what further became apparent was that the Office of the Public Defender was ill-equipped to provide such legal immigration advice to the indigent, non-citizen clientele that we serve. Because of our limited knowledge and understanding of

immigration law, we would often have to advise our indigent, non-citizen clients to seek more expert advice from an attorney who specializes in immigration law, knowing full well that our clients would not have the means or resources to privately retain an immigration lawyer.

With this measure, these indigent, non-citizen individuals might receive the proper and professional advice and assistance from an immigration specialist. As *Gideon v. Wainwright*, 372 U.S. 335 (1963), created the Office of the Public Defender and required states to provide counsel for criminal defendants who could not afford to hire their own attorney, we are hopeful that this small step will ultimately lead to indigent, non-citizen individuals enjoying the same right to legal counsel in immigration matters.

We thank you for the opportunity to comment on H.B. No. 1759.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO  
DIRECTOR

JOANN A. VIDINHAR  
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

IN REPLY, REFER TO:  
**OCS 22.1048**

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**OFFICE OF COMMUNITY SERVICES**  
830 PUNCHBOWL STREET, ROOM 420  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8675 / Fax: (808) 586-8685  
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February 22, 2022

To: The Honorable Sylvia Luke, Chair,  
The Honorable Kyle T. Yamashita, Vice Chair, and  
Members of the House Committee on Finance

Date: Thursday, February 24, 2022  
Time: 11:00 a.m.  
Place: Conference Room 308 & Via Videoconference

From: Jovanie Domingo Dela Cruz, Executive Director  
DLIR – Office of Community Services

Re: H.B. 1759 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

## **I. OVERVIEW OF PROPOSED LEGISLATION**

H.B. 1759 would appropriate an unspecified sum to the Judiciary for FY 2022-2023 “to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants in immigration proceedings, including deportation defense and asylum, and for any other immigration legal issues.”

## **II. CURRENT LAW**

OCS is not aware of any current Hawaii law that specifically provides appropriations for immigration-related legal services for low-income persons. OCS understands that, currently, such services are provided entirely by non-profit entities using charitable funding for low-income immigrants.

OCS is aware of immigration-law services being provided by the Legal Aid Society of Hawaii, which has absorbed the previously independent Hawaii Immigrant Justice Center. In addition, The Legal Clinic provides a broad range of immigration-law related services in Honolulu, including asylum cases. The UH Richardson School of Law has a Refugee & Immigration Law Clinic. Pacific Gateway Center in Honolulu, and Catholic Charities on both Oahu and Hawaii Island, also provide legal services in immigration-related cases.

We should note that “legal services” includes such matters as filling out forms, applications for naturalization and citizenship, adjustment of immigration status, obtaining employment authorizations and other visas, petitions for immigrant relatives, services under the Violence Against Women Act, as well as representation in Immigration Court.

### **III. COMMENTS ON THE PRESENT BILL**

The Office of Community Services was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawai‘i Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii’s society.

OCS is pleased to support this bill, which would assist one of OCS’s core constituencies, namely immigrants. We believe that the purpose is sufficiently broad, allowing contractors to assist clients regarding “any . . . immigration legal issues.” While this bill does not propose any role for OCS, OCS stands ready to assist if called upon.

Thank you very much for the opportunity to testify on this valuable measure.



**Testimony to the Thirty-First Legislature, 2022 Regular Session**

**House Committee on Finance**  
Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 24, 2022, 11:00 a.m.  
State Capitol, Conference Room 308  
VIA VIDEOCONFERENCE

by:  
Rodney A. Maile  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 1759, Relating to Legal Services for Low-Income Immigrants.

**Purpose:** Appropriates funds to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

**Judiciary's Position:**

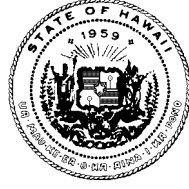
The Judiciary supports House Bill No. 1759, which would appropriate funds to contract with non-profit organizations for legal counsel and assistance to low-income immigrants.

In 2016, the American Immigration Council found that only 37 per cent of immigrants secured legal representation in their deportation proceedings.

While deportation of immigrants is generally a matter of federal, and not state jurisdiction, legal services and other assistance for eligible indigent immigrants are often needed due to the specific needs of this population. For instance, low income immigrants may be subject to domestic violence, human trafficking, sexual assault and other crimes. They may also be subject to discrimination based on national origin, race or other protected class. Thus, providing legal assistance and other services to address the myriad needs of low-income immigrants is of great benefit to the persons at risk, as well as our community at large.

For this reason, we support this bill and thank you for the opportunity to testify on House Bill No. 1759.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 23, 2022

TO: The Honorable Representative Sylvia Luke, Chair  
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: **HB 1759 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.**

Hearing: February 24, 2022, 11:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure, offer comments, and defers to the Judiciary.

**PURPOSE:** The purpose of the bill appropriates funds to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

Immigrants in Hawaii are vital members of the community and the workforce. No matter the reason for immigration, many immigrants faced hardships in their home countries to come to the United States to pursue their dreams and a better life for themselves and their families. Many immigrants have limited English proficiency (LEP), and seeking legal information and resources in English and navigating the court system is not easy.

Immigration laws are complex and evolving depending on the political climate. Eligibility and application requirements continue to change because of the statutory changes. Legal proceedings are also complex, and it is difficult for individuals with LEP to understand the process. Applying for legal status may make these applicants vulnerable as it may expose one's current legal status, resulting in detainment and deportation that may separate a family unit. It is a stressful process that will traumatize and re-traumatize the applicants and their families.

Additionally, Hawaii has a large migrant population, and DHS encourages that Hawaii's migrant populations have access to these legal services.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
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EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 1759

**February 24, 2022**  
**11:00 a.m.**  
**Room 308 and Videoconference**

**RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1759 makes an unspecified general fund appropriation in FY 23 to the Judiciary to contract with non-profit organizations to provide legal services to low-income immigrants in immigration proceedings.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.



Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

It is further noted that the term "low-income" as applicable to this bill is not well-defined, which may significantly broaden the scope of those individuals who may qualify for legal services assistance under this measure.

Thank you for your consideration of our comments.



An Affiliate of  
National Justice  
for Our Neighbors

February 22, 2022

## COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Hearing Date: February 24, 2022, 11:00 am

Via Videoconference; Conference Room 308

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## **Testimony in Support of House Bill 1759 Relating to Legal Services for Low-Income Immigrants**

Chair Luke, Vice-Chair Yamashita, and Members of the Committee:

The Legal Clinic (“TLC”) submits this testimony in support of HB 1759, which would appropriate funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

TLC provides legal and related services to Hawai‘i’s low- and moderate-income immigrant community. We are a relatively new non-profit, having hired our first attorney in late 2019. However, soon after opening our doors, we were overwhelmed with clients, serving about 75 clients, some with multiple matters, in the first six months. The demand has continued, and we have had to postpone and even stop taking new clients for periods of time. We understand that the Legal Aid Society of Hawai‘i’s immigration unit and other community-based service organizations face similar demands for immigration related legal services.

It is not surprising that there is such a high demand for these services. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is compared to 13.7% of the U.S. population. Moreover, of our foreign-born population, over 41% (112,050) have not naturalized and become U.S. citizens. According to a study by the University of Southern California a few years ago, Hawai‘i was fourth lowest among the states in the likelihood of its non-citizens naturalizing. Without the rights of citizenship, such as the right to vote, a significant portion of this population faces the anxieties created by the uncertainties of our political situation, including the possibility of deportation even after years of contributing to our society.

A potentially more vulnerable portion of Hawai‘i’s immigrant community consists of those who are out-of-status (“undocumented”). These include residents who are seeking asylum, who have overstayed their visas, and who were brought to the United States as children (Deferred Action for Childhood Arrivals, or “DACA” recipients). While it is difficult accurately to determine the number of undocumented residents, estimates range between 41,000 and 45,000. Of these, as of 2017, Hawai‘i had an estimated 600 DACA recipients and as many as 3,600 residents eligible to apply for DACA status.

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Immigration Law Clinic,  
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School of Law  
Univ. of Hawai‘i at Mānoa*

Another migrant community in need of legal services are the residents from the states comprising the Compact of Free Association (“COFA”) – the Federated States of Micronesia, the Republic of the Marshall Islands and Palau. These residents are entitled to migrate to the U.S. under the Compact, which has its origins in the United States’ use of these countries for nuclear testing and other military purposes. It is estimated that there are approximately 18,500 COFA residents in Hawai‘i, and that they make up the fastest growing portion of our migrant community. The difficulties faced by this rapidly growing community are likely to increase with the not-too-distant expiration of the Compact.

The Covid-19 pandemic has hit the low-income immigrant community particularly hard. Our foreign-born residents are disproportionately impacted by the loss of jobs, lower rates of health care coverage, higher rates of Covid-19 infection, and less access to unemployment insurance and other public benefits due to language barriers and unfamiliarity with the system.

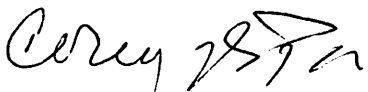
Despite the pressing need for immigration legal services for these growing communities, the available services in Hawai‘i are significantly limited. The Legal Aid Society of Hawai‘i also has a small legal staff which serves the immigrant community but, like TLC, we understand, is overburdened. The University of Hawai‘i law school’s Refugee and Immigration Law Clinic also represents a number of immigrants, but its capacity is governed by its primary mission to educate its students.

The lack of legal services leaves many immigrants without representation, which severely affects their ability to obtain relief. For instance, nationwide, according to the American Immigration Council, immigrants with legal representation who petition for legal status are five times more likely to obtain relief from deportation than those without counsel. The Council’s 2017 national study showed that only 37 percent of all respondents and only 14 percent of detained respondents in federal immigration hearings had counsel.

While the need for immigration legal services has sharply increased, TLC and other immigration service providers face greater hurdles in fund raising. With all the competing needs, governmental funding and foundation giving are threatened. Private individual giving is increasingly difficult, with in-person fundraising events curtailed.

At a time like this, legal service providers need increased support. We urge you to pass HB 1759 out of committee to help the most vulnerable in our society gain access to justice and move us to a more equitable state for all.

Thank you.



Corey Park  
President, Board of Directors  
The Legal Clinic



## CATHOLIC CHARITIES HAWAII

TO: Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair  
Committee on Finance

FROM: Rob Van Tassell, President and CEO

DATE: Thursday, February 24, 2022 (11:00 a.m., via Videoconference, Conf. Rm. 308)

RE: **IN SUPPORT OF HB 1759, Relating to Legal Services for Low-Income Immigrants**

CCH supports HB 1759, which would provide funding to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

Immigrants are very important to Hawaii – they contribute to our economy and our communities. However, they often need legal counsel and assistance to maintain their legal status in the U.S. Imagine how difficult this is for low-income immigrants who are often working more than one job, are often Limited English, and are working toward achieving self-sufficiency and a better life for their families.

Please note that legal immigration services are *in addition to* the cost of filing immigration petitions. It sometimes takes years for a low-income immigrant to save enough money to pay the filing fees, that range from \$410 to 1,200 each. For neighbor island immigrants, there are often additional costs due to travel to Oahu, for required steps such as biometric screening. For example, a neighbor island immigrant applying for U.S. Citizenship needs to be prepared to pay up to \$1,500 out of pocket for filing fee, biometric fee, and required travel to Oahu (at least 2 trips) – this amount does NOT include any fees for the legal services they need to help guide them through the complex path to Citizenship.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been serving people in need in the State of Hawaii since 1947 and has a history of providing services for low-income immigrants, refugees and migrants since 1974. Currently, CCH is one of only two agencies in Hawaii that actively provides legal assistance for low-income immigrants as a U.S. Department of Justice Recognized Organization.<sup>1</sup> We have two of only three Partially Accredited Representatives available in Hawaii. Our Partially Accredited Representative staff are able to assist low-income immigrants on Oahu and Hawaii Island who need assistance with a variety of legal needs - Legal Permanent Residency (i.e. Green Card), Citizenship, and more.

During the pandemic, immigrant clients from Kona have been travelling to CCH's Hilo office in order to receive legal immigration assistance from our one Partially Accredited staff. This often

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<sup>1</sup> <https://www.justice.gov/coir/page/file/942306/download#HAWAII>



requires taking an entire day off from work. Although some portions of paperwork can be completed via phone, our staff must meet with immigrant clients in person in order to verify required documents and to explain any positive or negative consequences of filing their legal papers, before she signs the forms as their legal representative.

We are also concerned that the need to file petitions electronically, now optional, is likely to be required by the U.S. Citizenship and Immigration Services (USCIS) in the near future. The low-income immigrant population we serve do not have the equipment or ability to comply, particularly in rural areas of the neighbor islands.

CCH is also concerned that there are some situations that our partially accredited, non-attorney staff are not equipped to handle and a licensed immigration attorney is needed since the client will require representation before the immigration court. Most of our clients are low-income and unable to afford this type of legal representation.

Catholic Charities Hawai`i asks for your support of HB 1759. This bill will fill a gap in services for immigrant members of our community and ensure equitable access to justice.

For more information or questions, please feel free to email Diane Terada, Division Administrator, at [diane.terada@catholiccharitieshawaii.org](mailto:diane.terada@catholiccharitieshawaii.org) or call her via phone at (808) 527-4702.

Thank you for this opportunity to provide testimony.



**PACIFIC GATEWAY CENTER**

**Testimony in SUPPORT of HB1759, RELATING LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

**Committee on Finance**

Rep. Sylvia Luke, Chair

Rep. Kyle Yamashita, Vice Chair

Hearing Date: 2/24/2022

Chair Luke and Vice-Chair Yamashita

Pacific Gateway Center writes to SUPPORT HB 1759, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants, including representation in asylum and other Immigration Court cases.

For many immigrants, the steps to handling immigrant issues such as legal pathways to citizenship, family reunification, adjustment of status to legal permanent residence, among many others, are complicated, as the law is extremely complex. It is well-documented that immigrants who have legal counsel and assistance in immigration proceedings are more successful at every step.

Pacific Gateway Center has first-hand knowledge and experience with their immigration needs as a recognized agency of the Department of Justice with an accredited representative on staff. This allows our organization to provide legal immigration services without an attorney on staff to the indigent population. We provide these services at very nominal fees or at no cost and will not turn anyone away for inability to pay. Immigrants come to PGC needing legal services filled with angst, uncertainty, and bewildered. There is a myriad of applications to the United States Citizenship and Immigration Services (USCIS), most around 15-20 pages, all in English, and the questions are difficult to comprehend even in English. Submissions must include checklists of evidence. Therefore, for the limited-English proficient, it is a grueling experience without legal support. Our clients include veterans, victims of domestic violence, refugees, asylum seekers, and the homeless (on the neighbor islands as well).

For the State of Hawaii, there are only 3 accredited representatives from two non-profit organizations who provide this service; that is Catholic Charities has 2 (with one on the Big Island, one on O'ahu) and one employed at Pacific Gateway Center. As 1 out of 5 persons living in Hawaii are foreign-born, this statistic signifies the magnitude of the need.

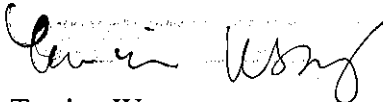
Pacific Gateway Center has been successful in helping clients acquire citizenship, reunite families, secure asylum, obtain green cards, replace green cards and other important documents. It is very difficult for most immigrants to afford immigrant attorney fees.

Immigrants are an extremely important to Hawai'i, contributing to our economy and our communities. Please note:

- 18% of the entire population of the State of Hawai'i. (2021 NAE report)
- In Hawai'i, immigrants are 20.8% of essential workers, including 22.7% of healthcare workers.
  - Within the healthcare industry, immigrants accounted for 47.1% of Nursing Assistants, 23.4% of Registered Nurses, and 20.1% of Physicians.
  - Within other essential industries, immigrants accounted for 68.1% of Housekeeping Cleaners (ensuring our businesses are safe, disinfected, and accessible), and 50.2% of Chefs/Head Cooks.
- 30,000 U.S. citizens in Hawaii who live with at least one family member who is undocumented (AIC Report). Hawai'i has 41,000 undocumented individuals; 4,200 DACA-eligible individuals (2021 NAE report)
- 24% of Hawaii's entrepreneurs are immigrants. Pacific Gateway Center is currently working with 36 immigrant family farms.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status. I fully SUPPORT HB 1759.

Thank you for your support and consideration,



Terrina Wong  
Deputy Director Social and Immigration Services





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hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of HB 1759  
RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

**COMMITTEE ON FINANCE**  
Rep. Sylvia Luke, Chair  
Rep. Kyle T. Yamashita, Vice Chair

Hearing Date: 2/24/2022

Dear Committee Members

We write to SUPPORT **HB 1759**, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants, including representation in asylum and other Immigration Court cases.

**Immigrants are important to Hawai`i.**

Immigrants make up 18% of Hawai`i's population.<sup>1</sup> They make up 20.8% of essential workers, including 22.7% of healthcare workers.<sup>2</sup> This includes 47.1% of nursing assistants, 68.1% of housekeeping cleaners, and 50.2% of chefs/head cooks—all critical professions during this COVID-19 pandemic.<sup>3</sup> In total, in the year 2018, immigrants contributed \$2.4 billion in total taxes paid and almost \$17.6 billion in GDP.<sup>4</sup>

These contributions come from immigrants of all statuses. There are about 41,246 undocumented individuals in Hawai`i as of 2018, and they are estimated to have paid a total of 110.5 million dollars in taxes that year (\$65.7 million in federal taxes paid, and \$44.8 million in Hawai`i state and local taxes paid).<sup>5</sup> Refugees, which were estimated at 7,929 total in Hawai`i in 2018, contributed over \$58.5 million in federal taxes and almost \$34 million in Hawai`i state and local taxes that year.<sup>6</sup>

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<sup>1</sup> New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 3, [https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE\\_Hawaii\\_V7\\_FINAL.pdf](https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf).

<sup>2</sup> New American Economy, *A Snapshot of the Immigrant Population of Hawai`i*, at 3-4, [https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/08/Hawaii\\_COVID\\_Brief-v8.pdf](https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/08/Hawaii_COVID_Brief-v8.pdf) (last accessed Feb. 2, 2022).

<sup>3</sup> *Immigrants and Migrants in Hawai`i*, *supra* note 1 at 13.

<sup>4</sup> *Id.* at 8.

<sup>5</sup> *Id.* at 26.

<sup>6</sup> *Id.* at 28.





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hicoalitionforimmigrantrights@gmail.com

This bill paves the way for even greater contributions. With assistance to resolve their legal obstacles, these individuals would have the opportunity to focus on their careers, communities, and families in expanded ways.

Most importantly, more than just economic statistics, these individuals are also our friends, neighbors, and family members. 30,000 U.S. citizens in Hawai'i who live with at least one family member who is undocumented.<sup>7</sup> They are irreplaceable members of our community. This bill honors that.

### **There is an access to justice gap for low-income immigrants in immigration proceedings.**

There is a severe shortage of legal service providers for low-income immigrants in immigration proceedings. A 2007 Hawai'i Justice Foundation report documented the scarcity of legal services for low-income people in Hawai'i in general.<sup>8</sup> This is particularly pronounced in the field of immigration law. When individuals appear in Immigration Court, the Immigration Judge is required to read out the list of free and low-cost immigration service providers that have made themselves available for individuals appearing in court to contact. That list is blank in Hawai'i,<sup>9</sup> a state of 1.4 million residents.

In San Francisco, by comparison, there no less than 11 groups providing free immigration services for San Francisco Immigration Court alone.<sup>10</sup> Similarly, 87% of non-detained individuals were represented in New York.<sup>11</sup>

### **Legal assistance and counsel makes a huge difference in immigration proceedings.**

Studies have shown the difference representation makes in immigration court, where immigrants with attorneys are vastly more successful at every stage of the process.<sup>12</sup> In an in-depth study on New York Immigration Courts, 74% of represented, non-detained individuals in Immigration Court had successful outcomes, compared to only 13% of unrepresented, non-detained

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<sup>7</sup> American Immigration Council, *Immigrants in Hawaii*, pg 2, [https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants\\_in\\_hawaii.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_hawaii.pdf) (last accessed Feb. 2, 2022).

<sup>8</sup> "Achieving Access to Justice for Hawaii's People," A report of the Access to Justice Hui (2007), available at [http://25shu2g61cw30sjn46t4k87by.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/Access-to-Justice-Hui-Report-\\_10-26-07\\_-Final11.pdf](http://25shu2g61cw30sjn46t4k87by.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/Access-to-Justice-Hui-Report-_10-26-07_-Final11.pdf).

<sup>9</sup> See Department of Justice list of pro bono legal service providers at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. None are listed for Hawai'i.

<sup>10</sup> *Id.*

<sup>11</sup> Ingrid Eagly and Steven Shafer, ACCESS TO COUNSEL IN IMMIGRATION COURT, American Immigration Council (2016), at 8, [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf).

<sup>12</sup> *Id.* at 2.



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individuals.<sup>13</sup> The importance of attorneys is even more profound for asylum seekers. For persecution-related relief applications (asylum), 21% of unrepresented non-detained individuals had a successful outcome, while 84% of represented non-detained individuals had successful outcomes.<sup>14</sup> That is a 63% difference in success rate by having legal assistance.

In Hawai‘i, we have seen firsthand the difference made by having legal representation in immigration proceedings. There is the story of the single mother to three U.S. citizen children who went through Immigration Court proceedings alone and was ordered deported. She was finally able to find legal assistance in time to fight the deportation order through an appeal, and her lawyer discovered a critical legal error made by the Immigration Court. As a result, her case was eventually dismissed and she no longer faces deportation. Without legal assistance, this single mother would be separated from her three children today.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status. We fully SUPPORT **HB 1759**.

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai‘i Coalition for Immigrant Rights  
Liza Ryan Gill, Co-chair, Hawai‘i Coalition for Immigrant Rights

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<sup>13</sup> ACCESSING JUSTICE: THE AVAILABILITY AND ADEQUACY OF COUNSEL IN IMMIGRATION PROCEEDINGS, New York Immigrant Representation Study Report (2011), at 19, <http://www.humanrightsfirst.org/sites/default/files/5-NYIRS-Report-Part-1-Katzmann-Group.pdf>.

<sup>14</sup> *Id.* at 20.

**HB-1759**

Submitted on: 2/23/2022 10:58:54 AM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Joseph E Cardoza	Hawai`i Access to Justice Commission	Support	No

Comments:

Chair: Hon. Sylvia Luke, Chair

Vice Chair: Hon. Kyle T. Yamashita Vice Chair

Committee: House Committee on Finance

Testimony of: Joseph E. Cardoza, Chair

Organization: Hawai`i Access To Justice Commission

Hearing Date: Thursday, February 24, 2022

Hearing Time: 11:00 a.m.

Place: Via Videoconference

Conference Room 308

Hawai`i State Capitol

415 South Beretania Street

Honolulu, Hawai`i

House Bill: HB No. 1759

Position: Support of HB1759 Relating to Legal Services for Low-Income Immigrants

Dear Chair Luke and Members of the House Committee on Finance:

The Hawai'i Access to Justice Commission strongly supports House Bill 1759, which would provide an appropriation through the Judiciary for the purchase of legal services for low-income immigrants.

Hawai'i has many immigrants that make up an important part of the social and economic fabric of our community. Hawai'i has enjoyed a strong and proud relationship with our immigrant community. Certain non-profit organizations provide specialized critical and complex legal services to low-income immigrants who must navigate the immigration process, but cannot afford a lawyer. The inability to access essential legal services can lead to serious consequences for low-income immigrants who are not familiar with the challenging immigration process. The ability to provide these legal services is of benefit to our immigrants, their families, and the community. Unfortunately, there are immigrants who cannot be served because of the financial constraints these organizations face. The Hawai'i Access to Justice Commission appreciates the support the Legislature has provided in the past, and is hopeful that our low-income immigrants will have access to essential immigrant legal services in the future.

The Commission appreciates the Committee hearing this bill. Thank you for the opportunity to present this written testimony.

I do not plan to testify during the videoconference hearing on this Bill.

**HB-1759**

Submitted on: 2/22/2022 2:36:58 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Taylor Brack	Individual	Support	No

Comments:

Immigrants living in Hawaii should be entitled to equality and fairness under the law. Without access to quality legal services, many immigrants must fight for their most basic rights under very dire circumstances. Most citizens do not understand just how unprotected immigrants are under the law, but it doesn't have to be this way. There is no reason that justifies rendering immigrants so vulnerable within our legal system. Passing this measure would help to ensure due process for immigrants and would correct routine injustice in our community. Protecting the most vulnerable can only result in a better, more resilient Hawaii.

**HB-1759**

Submitted on: 2/22/2022 10:35:38 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Yamashita, and FIN Committee Members,

I write to SUPPORT HB 1759, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants, including representation in asylum and other Immigration Court cases.

Immigrants are an extremely important to Hawai`i, contributing to our economy and our communities. As a working professional in Hawai`i, I have benefited from the work my immigrant parents did to make a new home in the US, and I continue to contribute to the economic and social robustness of Hawai`i.

For many immigrants, the steps to continued residence are complicated, as the law is extremely complex. It is well-documented that immigrants who have legal counsel and assistance in immigration proceedings are more successful at every step. As the son of Vietnamese refugees, I can attest to the importance of accessible legal and immigration resources.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status.

With gratitude,

Thaddeus Pham (he/him)

## Testimony in support of HB1759

submitted by: Amy Agbayani,

I am in strong support of HB1759. This bill addresses equity, non-discrimination, diversity, and inclusion in our multicultural state. We appreciate the Filipino House caucus for including this bill in their package.. The top five sending countries are the Philippines (46%) Japan (8%), China (8%) Korea (7%) and Micronesia (5%). SB 2458 provides needed legal resources to the immigrant community to protect their rights, support their families and contribute to our community.

We support HB 1759 which provides funding to the Judiciary to contract with non-profit agencies to provide legal services for low-income immigrants. Some members of our community who are recent immigrants have experienced barriers to equal and full participation and fair treatment. Immigrants, particularly those who may have visa issues are vulnerable because of their status, low-income, lack of English ability, unfamiliarity with community resources and the legal system. These vulnerable immigrants have none or very limited access to legal assistance and many are unaware of their rights and responsibilities.

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 HB 1759 to fund legal services for low income immigrants, including deportation and asylum cases. 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 want to take this opportunity to express our appreciation to your committee for hearing this bill and respectfully ask your support for access to legal services to low income immigrant communities in our state.



**HB-1759**

Submitted on: 2/23/2022 8:31:35 AM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
April Kamilah Bautista	Individual	Support	No

Comments:

I am in strong support and I hope the Committee on Finance considers passing this community benefit legislation.

Thank you,

April Bautista

828 Puuhale Rd.

Honolulu, HI 96819