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IN REPLY, REFER TO:  
**OCS 22.1077**

March 22, 2022

To: The Honorable Mark M. Nakashima, Chair,  
The Honorable Scot Z. Matayoshi, Vice Chair, and  
Members of the House Committee on Judiciary and Hawaiian Affairs

Date: Thursday, March 24, 2022

Time: 2:00 p.m.

Place: Conference Room 325 & Videoconference

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

Position: Strong Support

**Re: HR 184 – Funding Immigration Services and Requesting Data**

## **I. OVERVIEW OF PROPOSED RESOLUTION**

HR 184 requests multiple immigration-related remedies from the U.S. Congress: (1) It urges the Congress to provide adequate funding for immigration services; (2) it requests data on the effect of case backlogs; and (3) it requests data on the effect of lack of free or low-cost legal representation in immigration cases filed in Hawai'i.

## **II. CURRENT LAW**

OCS is not aware of any current Hawai'i 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 Hawai'i, which has absorbed the previously independent Hawai'i 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 Hawai'i on both Oahu and Hawai'i 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 PROPOSED RESOLUTION**

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 Hawai‘i, 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.

This resolution states that the United States Citizenship and Immigration Services agency already had a significant backlog of cases before the Covid-19 pandemic forced office closures, staff shortages, and other problems that impaired the processing of immigration applications. The resolution notes that such delays invariably cause human hardships, including but not limited to separations, unemployment, and insecurity. The resolution also notes the severe lack of legal services for immigrants, and how that lack of legal assistance exacerbates all the other difficulties that immigrants are facing. The resolution states that, currently, no attorneys are registered with the immigration courts in Hawai‘i as being available to provide free or low-cost assistance in immigration cases. The resolution notes that 88% of asylum seekers who have petitioned for asylum without having assistance of counsel have lost their cases.

To help remedy these problems, the resolution asks the U.S. Citizenship and Immigration Services to provide data to the legislature on the effect of these existing case backlogs and the lack of free and low-cost legal services. The resolution asks for data on the average processing times and outcomes, along with information on the nationalities of the applicants and indication of whether these applicants were represented by counsel. In addition, the resolution urged the United States Congress to provide adequate funding for immigration services.

**OCS strongly supports this resolution.** The information sought is important in helping OCS and others in framing requests for funding and other assistance. These are critical. Immigrants are one of OCS’s core constituencies.

Thank you very much for allowing us to testify on this important resolution.



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**Testimony in SUPPORT of HR 184  
URGING THE UNITED STATES CONGRESS TO PROVIDE ADEQUATE FUNDING  
FOR IMMIGRATION SERVICES AND REQUESTING DATA ON THE EFFECT OF  
CASE BACKLOGS AND THE LACK OF FREE OR LOW-COST LEGAL  
REPRESENTATION ON IMMIGRATION CASES FILED IN HAWAII**

**COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Hearing Date: 3/24/2022

Dear Committee Members,

We write to SUPPORT **HR 184**, which urges the U.S. Citizenship and Immigration Services (USCIS) to provide adequate funding to process the backlogs and to provide data on the effect of backlogs and the effect of lack of low-cost legal services.

**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,

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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 resolution honors that.

### **USCIS’s swelling backlogs have been harmful.**

USCIS is facing extreme delays, with harmful consequences for Hawai`i families and businesses. And the end of FY 2019, the backlog for USCIS was 5.7 million. Now, as of February 2022, the backlog is a whopping 9.5 million.<sup>8</sup> As the Migration Policy Institute writes, “Whatever the solutions, it is clear that the immigration system is buckling under its own weight. The Biden administration’s immigration changes have been significant. But many will not be realized if the government is unable to address the ever-rising backlogs across the immigration system—with ill effects for individual immigrants, their families, U.S. employers, and the credibility and integrity of the system as a whole.”<sup>9</sup> Hawai`i has seen these ill effects, as residents have waited for work permits, renewed green cards, and processing of other cases. For many, this means a limbo period of waiting and uncertainty. Many have lost jobs and other opportunities. USCIS must address these backlogs and account for the full scope of their effects.

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

There is a severe shortage of legal service providers for low-income immigrants. A 2007 Hawai`i Justice Foundation report documented the scarcity of legal services for low-income people in Hawai`i in general.<sup>10</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

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individuals appearing in court to contact. That list is blank in Hawai'i,<sup>11</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>12</sup> Similarly, a 2016 report found that 87% of non-detained individuals were represented in New York.<sup>13</sup> This report explicitly does not include did not include Hawai'i and U.S. territories "[g]iven their geographic location."<sup>14</sup>

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We fully SUPPORT **HR 184**.

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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TO: **Committee on Judiciary and Hawaiian Affairs**  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice-Chair

FROM: Amy Agbayani, Co-Chair & Pat McManaman, Co-Chair

SUBJECT: HR184

HEARING: March 24, 2022, at 2:00 PM  
Conference Room 325 & Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

We write to SUPPORT **HR 184**, which urges the U.S. Citizenship and Immigration Services (USCIS) to provide adequate funding to process the backlogs and to provide data on the effect of backlogs and the effect of lack of low-cost legal services.

**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,

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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 resolution honors that.

### **USCIS’s swelling backlogs have been harmful.**

USCIS is facing extreme delays, with harmful consequences for Hawai`i families and businesses. And the end of FY 2019, the backlog for USCIS was 5.7 million. Now, as of February 2022, the backlog is a whopping 9.5 million.<sup>8</sup> As the Migration Policy Institute writes, “Whatever the solutions, it is clear that the immigration system is buckling under its own weight. The Biden administration’s immigration changes have been significant. But many will not be realized if the government is unable to address the ever-rising backlogs across the immigration system—with ill effects for individual immigrants, their families, U.S. employers, and the credibility and integrity of the system as a whole.”<sup>9</sup> Hawai`i has seen these ill effects, as residents have waited for work permits, renewed green cards, and processing of other cases. For many, this means a limbo period of waiting and uncertainty. Many have lost jobs and other opportunities. USCIS must address these backlogs and account for the full scope of their effects.

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

There is a severe shortage of legal service providers for low-income immigrants. A 2007 Hawai`i Justice Foundation report documented the scarcity of legal services for low-income people in Hawai`i in general.<sup>10</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>11</sup> a state of 1.4 million residents. In San Francisco, by comparison, there no less than 11 groups providing free

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Thank you for the opportunity to testify in support of HR184.

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**COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Rep. Mark M. Nakashima, Chair

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Hearing Date: 3/24/2022

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We fully SUPPORT **HR 184**.

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

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March 23, 2022

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Rep. Mark M. Nakashima, Chair  
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Hearing Date: March 24, 2022, 2:00 p.m.  
Via Videoconference; Conference Room 325

**Testimony in Support of House Resolution 184: Urging The United States Congress To Provide Adequate Funding For Immigration Services And Requesting Data On The Effect Of Case Backlogs And The Lack Of Free Or Low-Cost Legal Representation On Immigration Cases Filed In Hawaii**

Chair Nakashima, Vice-Chair Matayoshi, and Members of the Committee:

The Legal Clinic (“TLC”) submits this testimony in support of House Resolution 184.

TLC provides legal and related services to Hawai'i's low-income immigrant community. In the course of our work, we have seen firsthand how the underfunding of immigration services has severely impacted the State's growing immigrant community, which has only been made worse by the Covid pandemic. We have seen increasingly long delays in such basic matters as processing applications for work permits, VISAs and renewals, asylum, and protection from deportation. And, of course, these pose even greater problems for those immigrants who cannot afford representation. The House of Representatives should urge Congress to address these problems by increasing funding for immigration services, including legal services. The United States Citizenship and Immigration Services should also be urged to provide to the State Legislature with data on the immigration situation here in Hawai'i so that the scope of the problem can be made clear and solutions found.

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. Hawai'i is also home to another migrant community in need of services, that being 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 are believed to make up the fastest growing portion of our migrant community.

Another 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.

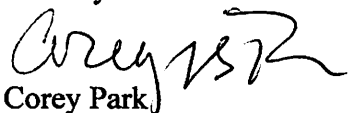
The Covid-19 pandemic has hit the low-income immigrant community particularly hard. They are disproportionately impacted by the loss of jobs, lower rates of health care coverage, higher rates of Covid-19 infection, and less access to unemployment insurance and other public benefits due to language barriers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

Having legal representation can help alleviate some of these difficulties. However, the available such services in Hawai'i is significantly limited. TLC has only two fulltime lawyers on staff (the second having only recently joined TLC). 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 small 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.

The House of Representatives, through the passage of House Resolution 184, should urge the U.S. Congress to adequately fund immigration services and the USCIS to provide data on the immigration situation here in Hawai'i. We urge you to pass House Resolution 184 out of committee.

Thank you.



Corey Park  
President, Board of Directors  
The Legal Clinic

**HR-184**

Submitted on: 3/21/2022 1:55:27 PM

Testimony for JHA on 3/24/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

We should be taking Care of the Hawaiians to get them on there lands right away instead of this stall for Generations and not the Immigants that are Illegal to begin with!!