

STATE OF HAWAI‘I  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the Senate Committee on  
Human Services and Senate Committee on Judiciary**

February 15, 2022

S.B. No. 2458: RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.

Chairs San Buenaventura and Rhoads, Vice Chairs Ihara and Keohokalole, and Members of the Committees:

The Office of the Public Defender strongly supports S.B. 2458 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 S.B. No. 2458 as a promising first step toward 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. Because our attorneys’ expertise is in criminal law and procedure, 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 S.B. No. 2845.

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 14, 2022

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

The Honorable Joy A. San Buenaventura, Chair  
Senate Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 2458 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.**

Hearing: February 15, 2022, 10:00 a.m.  
Via Videoconference, State Capitol

**POSITION:** The Department of Human Services (DHS) supports the measure, provides comments, and defers to the Judiciary.

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

The Department recognizes 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 and even to obtain valid government-issued identification required for employment and housing.

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 uphold consumer protection, fair housing, and other laws. In addition, 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.

The Department participated in 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. Additionally, DHS partnered with the civil legal services roundtable, through the Hawaii Justice Foundation and Access to Justice Commission, with several state entities and county government entities to identify gaps and solutions.

DHS encourages 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, sex- or labor-trafficked minors or adults who are 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 civil legal services that may include immigration matters. DHS also supports legal services for non-citizens' pathway to US citizenship. Notably, DHS requests that these services be available to Hawaii's migrant population from Compact nations.

The Department's experience during the pandemic emphasized that additional resources for language access translation and interpretation services are needed.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO  
DIRECTOR

JOANN A. VIDINHAR  
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

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  
Email: [dlir.ocs@hawaii.gov](mailto:dlir.ocs@hawaii.gov)

IN REPLY, REFER TO:  
**OCS 22.1038**

February 11, 2022

To: The Honorable Joy A. San Buenaventura, Chair,  
The Honorable Les Ihara, Jr., Vice Chair, and  
Members of the Senate Committee on Human Services

The Honorable Karl Rhoads, Chair,  
The Honorable Jarrett Keohokalole, Vice Chair, and  
Members of the Senate Committee on Judiciary

Date: Thursday, February 15, 2022  
Time: 10:00 a.m.  
Place: Via videoconference

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

Re: S.B. 2458 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

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

S.B. 2458 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.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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 SENATE COMMITTEE ON HUMAN SERVICES AND JUDICIARY  
ON  
SENATE BILL NO. 2458

**LATE**

**February 15, 2022**  
**10:00 a.m.**  
**Via Videoconference**

RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

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

Senate Bill No. 2458 makes an unspecified general fund appropriation in FY 23 for the Judiciary to contract with non-profit organizations to provide legal services to low-income immigrants in proceedings, including asylum, deportation, and other legal issues related to immigration.

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.





**TESTIMONY IN SUPPORT OF SENATE BILL 2458**

Relating to Legal Services for Low-Income Immigrants

**SENATE COMMITTEE ON HUMAN SERVICES**

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

**COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Video Conference Hearing Date: February 15, 2022

Room Number: Videoconference

Chairs, Vice-Chairs, and Members of the Committees,

The Hawai'i Friends of Civil Rights stands in **Strong Support** of Senate Bill 2458. Immigrants make up 18% of Hawai'i's population and are the backbone of Hawaii's agricultural workers, nursing assistants, housekeeping cleaners, landscapers, and food preparation workers.<sup>1</sup> And in 2018, immigrants contributed \$17.6 billion to Hawai'i's gross domestic product.<sup>2</sup> Despite these collective contributions, immigration legal services are often prohibitively expensive for low and moderate-income immigrants.

Hawai'i has a critical shortage of low-income legal service providers engaged in meeting the diverse legal needs of the immigrant community which include naturalization, asylum, adjustment of status to secure legal permanent residency, and deportation and DACA defense. Immigration law is complex and not easily navigable without legal expertise. Having an

---

<sup>1</sup> New American Economy, [Immigrants and Migrants in Hawai'i: Essential Contributors to the State's Workforce and Economy](#), May 2021. (Foreign born share of workers in Agriculture 39.3%, in Housekeeping and Cleaning 68.1%, in Nursing Assistance 47.1%, in Food Preparation 39.6%, and 50.2% as Chefs and Head Cooks coupled with 38.9% of Cooks.)

<sup>2</sup> Id.

attorney in these matters often makes the difference between whether an individual is allowed to remain safely in the United States or is deported to harm or permanently separated from family and children.

Embedded in the communities they serve, effective immigrant legal service providers are actively engaged with and respected by other social service providers and government representatives. They build bridges where some seek to disparage immigrant newcomers, and support multiculturalism and civic engagement. They deserve your support!

Sincerely,

Amy Agbayani, Co-Chair  
Pat McManaman, Co-Chair  
Barbara Yamashita, Co-Chair



www.hicir.org | Instagram @hicir  
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB 2458  
RELATING TO IDENTIFICATION CARDS**

**COMMITTEE ON HUMAN SERVICES**

Senator Joy A. San Buenaventura, Chair  
Senator Les Ihara, Jr., Vice Chair

**COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Hearing Date: 2/15/2022

Room Number: Videoconference

Dear Committee Members

We write to SUPPORT SB 2458, 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

---

<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.



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>

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>

---

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

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

<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>.

<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,



www.hicir.org | Instagram @hicir  
hicoalitionforimmigrantrights@gmail.com

### **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 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 SB 2458.

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

---

[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.

<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.



An Affiliate of  
National Justice  
for Our Neighbors

February 12, 2022

COMMITTEE ON HUMAN SERVICES  
Senator Joy A. San Buenaventura, Chair  
Senator Les Ihara, Vice Chair

BOARD OF DIRECTORS

Corey Park, JD  
President

Lowell Chun-Hoon, Esq.  
Vice President

Roman Leverenz  
Secretary

Kelley D. Settles  
Treasurer

Amy Agbayani, PhD

Shanty Asher, JD

Dr. Ismail Elshikh

Clare Hanusz, Esq.

Susan A. Li, Esq.

Agnes Malate, PhD

Shingayi Masiya

Rev. Amy C. Wake

Susan S. K. Wong, JD

ADVISORY BOARD

Rev. Dr. Tom Choi,  
First United Methodist  
Church

John Egan, Esq.  
Director-Refugee &  
Immigration Law Clinic,  
William S. Richardson  
School of Law  
Univ. of Hawai'i at Mānoa

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Hearing Date: February 15, 2022, 10:00 a.m.  
Via Videoconference

**Testimony in Support of Senate Bill 2458  
Relating to Legal Services for Low-Income Immigrants**

Chairs San Buenaventura and Rhoads, Vice-Chairs Ihara and Keohokalole, and Members of the Committees:

The Legal Clinic (“TLC”) submits this testimony in support of SB 2458, 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.

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.

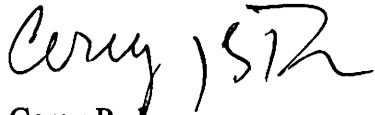
Despite the pressing need for immigration legal services for these growing communities, the available services in Hawai'i are significantly limited. The Legal Aid Society of Hawai'i also has a small legal staff which serves the immigrant community but, like TLC, we understand, is overburdened. The University 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 SB 2458 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.

A handwritten signature in black ink, appearing to read "Corey Park". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Park".

Corey Park  
President, Board of Directors  
The Legal Clinic



**SB-2458**

Submitted on: 2/14/2022 9:00:19 AM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Darrin Sato	Testifying for Inter Agency Council	Support	No

Comments:

On behalf of IAC:

The InterAgency Council for Immigrants and Refugees strongly supports SB 2458.

As a council of approximately 40 - 45 private and public sector agencies whose missions are to support the immigrant and refugee population in Hawaii, we know first-hand the need to support legal immigration work for those who are low-income and would otherwise not have access to such services. There is a dire need for legal immigration services and the needs are diverse. Hawaii only has 3 recognized agencies in Hawaii with only 3 accredited representatives authorized to provide legal immigrant services without attorney staff. We are fortunate to have the UHM Law Clinic for Immigrants and Refugees, Legal Aid, and The Legal Clinic to provide legal immigration services at a nominal cost by immigration attorneys. However, as the foreign born make up 18% of Hawaii's population, the need for financial support is critical. Such finding will encourage other non-profits and sustain current nonprofits engaged and authorized, to offer legal immigration services to low-income immigrants who struggle economically, socially and culturally.

Immigrants play key roles in the vitality of our community. WE must do what we can to support them in ways that would directly be beneficial for them.

Thank you.

Dina Shek  
Honolulu, HI 96822

**COMMITTEE ON HUMAN SERVICES**

Senator Joy A. San Buenaventura, Chair  
Senator Les Ihara, Jr., Vice Chair

**COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Hearing Date: February 15, 2022

**Re: SUPPORT for SB 2458: Relating to Legal Services for Low-Income Immigrants**

Dear Committee Members,

I offer this testimony in my personal capacity to strongly support HB SB 2458, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants. In my professional capacity as the Legal Director of the Medical-Legal Partnership for Children in Hawai'i (MLP), most of our clients are immigrants and migrants from Pacific Islander communities. Since 2009, through the MLP, I have partnered with low-income families in community health and public housing settings to provide free, direct legal services, professional and community education, and systemic advocacy. I founded the MLP with a mission to close wide gaps in legal services in Honolulu.

A 2007 Hawai'i Justice Foundation report documented the severe shortage of legal services for low-income people in Hawai'i.<sup>1</sup> The barriers to access to justice—and the subsequent consequences—are particularly severe in Immigration Court. First, there is a particular scarcity of legal services for immigration proceedings. The Department of Justice has a list of pro bono legal service providers, and none are listed for Hawai'i.<sup>2</sup> Comparatively, in San Francisco, there are dozens of non-profit legal services agencies, providing a wide array of legal services to vulnerable residents, including no less than 11 groups providing free immigration services for San Francisco Immigration Court alone.<sup>3</sup> Second, the effectiveness of immigration attorneys in Immigration Court is proven. 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 individuals.<sup>4</sup>

---

<sup>1</sup> *Achieving Access to Justice for Hawaii's People*, A Report of the Access to Justice Hui (2007), <http://25shu2g61cw30sjn46t4k87by.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/Access-to-Justice-Hui-Report-10-26-07-Final11.pdf>.

<sup>2</sup> *See List of Pro Bono Legal Service Providers*, U.S. Department of Justice, <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> (last accessed Feb. 2, 2022). There are pro bono legal service providers in Hawai'i, but because the capacity is limited, they are not put forth in this list.

<sup>3</sup> *Id.*

<sup>4</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>.

My employees and colleagues have represented individuals in immigration court, and I have seen firsthand the difference that legal representation makes. For example, a mother to U.S. citizen children was wrongly ordered deported at Immigration Court where she did not have an attorney. After we stepped in, we successfully had her deportation order and entire case dismissed. MLP staff also represented a single mother asylum seeker in her years-long battle for protection. They have also sat in the courtroom waiting with our clients and witnessed countless immigrants without attorneys receive orders of deportation after only fifteen minutes.

Immigration law is a complex and highly specialized area of law. For many immigrants, particularly those with limited English proficiency, entering Immigration Court without an attorney is an impossible task.

Our immigrant community members deserve better. Everyday we see the contributions of our immigrant clients, friends, and coworkers. For low-income immigrants in asylum and other Immigration Court proceedings, they deserve the opportunity to continue those contributions. This bill, providing much-needed funding for legal assistance, provides them that opportunity. This bill benefits Hawai`i as a whole.

Thank you for this opportunity to submit testimony supporting SB 2458.

/s/

Dina Shek



AMERICANS FOR DEMOCRATIC ACTION

---

OFFICERS	DIRECTORS	MAILING ADDRESS		
John Bickel, President	Melodie Aduja	Jan Lubin	Bill South	P.O. Box 23404
Alan Burdick, Vice President	Keola Akana	John Miller	Zahava Zaidoff	Honolulu
Dave Nagajji, Treasurer	Juliet Begley	Jenny Nomura		Hawaii 96823
Doug Pyle, Secretary	Stephanie Fitzpatrick	Stephen O'Harrow		

---

February 11, 2022

TO: Chairs San Buenaventura & Rhoads and Members of the HMS/JDC Committees

RE: SB 2458 RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.

Support for hearing on February 15

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support this bill as we support providing legal counsel and assistance to low-income immigrants. Many immigrants may lack the resources to obtain legal representation. In legal hearings about their legal status, having counsel often has a profound impact on the immigrants' ability to receive justice.

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



PACIFIC GATEWAY CENTER

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Vice-Chair

COMMITTEE ON HUMAN SERVICES

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice-Chair

Hearing Date: 2/15/2022

**Re: TESTIMONY IN SUPPORT, SB 2458 Relating to Legal Services for Low-Income Immigrants**

Aloha Chair San Buenaventura, Chair Rhoads, and Members of the Joint Committee,

Pacific Gateway Center SUPPORTS HB 2458 which appropriates funds to the judiciary to contract with nonprofit organizations to provide legal counsel and assistance to low-income residents. This bill will enable access to justice related to legal immigration services for the indigent population.

The Office of Legal Access Programs (OLAP) is a Department of Justice(DOJ) program providing agency site recognition and staff accreditation, allowing nonprofit agencies and their non-attorney staff to practice immigration law. The practice of immigration law includes giving immigration advice, filling out immigration forms, and drafting legal documents for a case. Only an attorney, a DOJ accredited representative, or a staff person under the direct legal supervision of an attorney or DOJ accredited representative may practice immigration law.

Unless an agency has an attorney on staff, each office site where immigration legal services are provided must have DOJ agency recognition and at least one accredited representative.

It is an essential tool for increasing capacity to serve low-income, vulnerable immigrant populations with high quality, charitable immigration legal services. Training, education, and experience must be demonstrated to the DOJ before accreditation is awarded.

Pacific Gateway Center is one of only three current recognized agencies in Hawaii, along with Catholic Charities Hawaii and Maui County (Department of Housing and Human Concerns – Immigrant Services Division). Between these agencies there are currently only three accredited representatives authorized to provide this service – two from Catholic Charities (one on the Big Island; one on O‘ahu) and one accredited representative at Pacific Gateway Center.

According to Department of Economic Development and Tourism Report released December 27, 2019, “there were more people living in poverty among the migrants who moved to and from Hawaii in the past 12 months. The poverty rate was especially high among the migrants who moved from foreign countries. Nearly 20 percent of international migrants in Hawaii were living in poverty in their first year of migration.”

Close to 90% of the immigrants we assist for legal services are on means-tested public benefits and need assistance with citizenship, family reunification, removal of conditional residence, DACA, adjustment of status (green card), employment authorization documents, renewals of important immigration services. They are not able to afford immigration attorneys fees for these services. PGC has provided legal immigration services to the homeless, veterans, victims of domestic violence, former inmates, asylum seekers, asylees among other indigent populations in the state.

Providing these legal services reduces pressure on the justice system and allows our clients to clear legal immigration hurdles and spend their time as they and the native-born population agree they should, being productive and contributing members of our community.

Hawaii needs to build capacity for more non-profit recognized agencies and accredited staff. Appropriations to support nonprofits in providing these services may encourage more nonprofits to consider going through the process of securing recognition and accreditation. Moreover, it would support our foreign-born in Hawai'i who already face overwhelming challenges with resettlement, lack of English proficiency, and learning of new cultural values and norms.

PGC fully SUPPORTS HB 2458.

Thank you for your support and consideration,



En Young  
Executive Director

**SB-2458**

Submitted on: 2/14/2022 9:54:55 AM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Terrina Wong	Testifying for Pacific Gateway Center	Support	No

Comments:

I strongly support SB2458 as one of only 3 accredited representatives in Hawaii.

There is a compelling need to build capacity for more accredited representatives and recognized non profit agencies by the Department of Justice. Legal immigration services are needed for USCIS filings on order to access benefits and ensure equity in accessing such services. Legal immigration is complicated. For example applications for citizenship are 20 pages; adjust status to apply for a green card is 18 pages consisting of questions with difficult English phrases and concepts. For the limited-English proficient, there is a dire need for individuals with expertise to provide guidance and direction with background knowledge, education and training in immigration law, required of all accredited representatives.

Appropriations to the Judiciary will encourage non-profits to apply for such status and identify staff members who can apply for accreditation.

At present, as we will not turn anyone away for inability to pay and additional funding could support ongoing training and operations.

I fully support SB2458. Thank you for this opportunity to submit testimony.

Terrina Wong, Deputy Director for Social Services and Immigration

Testimony in support of SB 2458  
submitted by: Amy Agbayani,

I am in strong support of SB 2458. 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 SB2458 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 SB 2458 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.

**SB-2458**

Submitted on: 2/13/2022 11:07:32 PM

Testimony for HMS on 2/15/2022 10:00:00 AM

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

Comments:

Chairs, Vice Chairs, and Members of the the JDC and HMS Committees,

I write to SUPPORT SB2458, 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. I fully SUPPORT SB2458.

With gratitude,

Thaddeus Pham (he/him)

**SB-2458**

Submitted on: 2/11/2022 4:37:20 PM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel Mitchell	Individual	Support	No

Comments:

Support SB2458

Because Low-income IMMIGRANTS need help with legal issues.

Samuel Mitchell Maikiki NB-10

**SB-2458**

Submitted on: 2/14/2022 2:45:28 PM

Testimony for HMS on 2/15/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
John Egan	Individual	Support	No

Comments:

Committee Members:

I strongly support this bill. The community of non-profit agencies serving the legal needs of low income immigrants is dedicated to obtaining fairness and due process in the complicated, cumbersome and often unreasonably biased immigration system. Currently, the resources available do not match the need. This bill begins to address that imbalance.

I ask that you give this measure your support.

John Robert Egan, Immigration Lawyer and Educator

**LATE**

**SB-2458**

Submitted on: 2/15/2022 4:58:29 AM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Raiza Dalofin	Individual	Support	No

Comments:

Support!

**SB-2458**

Submitted on: 2/11/2022 5:12:36 PM

Testimony for HMS on 2/15/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

You support Americans Not Elligals!!