

Application for Grants

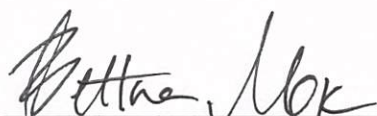
I. Certification

- Checklist
- Cover Page
- Certificate of Good Standing
- Declaration Statement
- Public Purpose Statement

Application Submittal Checklist

The following items are required for submittal of the grant application. Please verify and check off that the items have been included in the application packet.

- 1) Certificate of Good Standing (If the Applicant is an Organization)
- 2) Declaration Statement
- 3) Verify that grant shall be used for a public purpose
- 4) Background and Summary
- 5) Service Summary and Outcomes
- 6) Budget
 - a) Budget request by source of funds ([Link](#))
 - b) Personnel salaries and wages ([Link](#))
 - c) Equipment and motor vehicles ([Link](#))
 - d) Capital project details ([Link](#))
 - e) Government contracts, grants, and grants in aid ([Link](#))
- 7) Experience and Capability
- 8) Personnel: Project Organization and Staffing



AUTHORIZED SIGNATURE

BETTINA MOK, EXECUTIVE DIRECTOR

PRINT NAME AND TITLE

JAN. 16, 2023

DATE

**THE THIRTIETH LEGISLATURE
APPLICATION FOR GRANTS
CHAPTER 42F, HAWAII REVISED STATUTES**

Type of Grant Request:

Operating Capital

Legal Name of Requesting Organization or Individual: Db a:

The Legal Clinic

Amount of State Funds Requested: \$ 150,000

Brief Description of Request (Please attach word document to back of page if extra space is needed):

The Legal Clinic (TLC), a Honolulu-based 501(c)3 nonprofit is requesting support in our fourth year of operation to expand our immigration legal services to low-income foreign-born residents of Hawai'i, on neighbor islands as well as on O'ahu. TLC's legal team will provide free immigration legal services to at least 80 qualified residents, and coordinate public educational events such as "know your rights" workshops to raise public awareness of immigrant justice matters and legal services.

Amount of Other Funds Available:

State: \$ 185,000

Federal: \$ _____

County: \$ 125,000

Private/Other: \$ 70,000

Total amount of State Grants Received in the Past 5 Fiscal Years:

\$ 446,612

Unrestricted Assets:

\$ 640,000

New Service (Presently Does Not Exist): Existing Service (Presently in Operation):

Type of Business Entity:

- 501(C)3 Non Profit Corporation
 Other Non Profit
 Other

Mailing Address:

1020 S. Beretania St.

City: Honolulu State: HI Zip: 96814

Contact Person for Matters Involving this Application

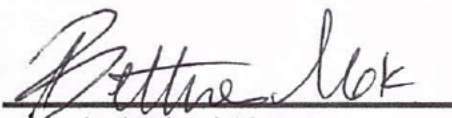
Name: Bettina Mok	Title: Executive Director
Email: director@thelegalclinicahawaii.org	Phone: (808) 797-2599

Federal Tax ID#:

██████████

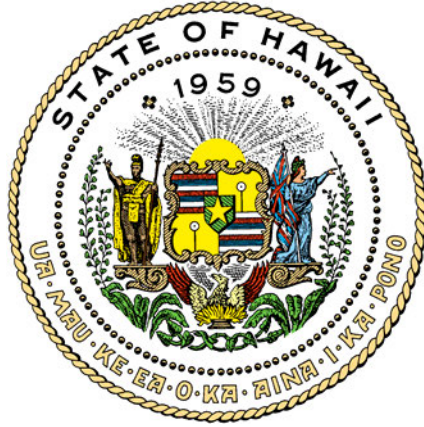
State Tax ID#

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Authorized Signature

Bettina Mok, Executive Director
Name and Title

01/17/23
Date Signed



Department of Commerce and Consumer Affairs

CERTIFICATE OF GOOD STANDING

I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, do hereby certify that

THE LEGAL CLINIC

was incorporated under the laws of Hawaii on 08/21/2017 ; that it is an existing nonprofit corporation; and that, as far as the records of this Department reveal, has complied with all of the provisions of the Hawaii Nonprofit Corporations Act, regulating domestic nonprofit corporations.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Commerce and Consumer Affairs, at Honolulu, Hawaii.

Dated: January 14, 2023

Director of Commerce and Consumer Affairs

**DECLARATION STATEMENT OF
APPLICANTS FOR GRANTS PURSUANT TO
CHAPTER 42F, HAWAII REVISED STATUTES**

The undersigned authorized representative of the applicant certifies the following:

- 1) The applicant meets and will comply with all of the following standards for the award of grants pursuant to Section 42F-103, Hawaii Revised Statutes:
 - a) Is licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which a grant is awarded;
 - b) Complies with all applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
 - c) Agrees not to use state funds for entertainment or lobbying activities; and
 - d) Allows the state agency to which funds for the grant were appropriated for expenditure, legislative committees and their staff, and the auditor full access to their records, reports, files, and other related documents and information for purposes of monitoring, measuring the effectiveness, and ensuring the proper expenditure of the grant.
- 2) If the applicant is an organization, the applicant meets the following requirements pursuant to Section 42F-103, Hawaii Revised Statutes:
 - a) Is incorporated under the laws of the State; and
 - b) Has bylaws or policies that describe the manner in which the activities or services for which a grant is awarded shall be conducted or provided.
- 3) If the applicant is a non-profit organization, it meets the following requirements pursuant to Section 42F-103, Hawaii Revised Statutes:
 - a) Is determined and designated to be a non-profit organization by the Internal Revenue Service; and
 - b) Has a governing board whose members have no material conflict of interest and serve without compensation.

Pursuant to Section 42F-103, Hawaii Revised Statutes, for grants used for the acquisition of land, when the organization discontinues the activities or services on the land acquired for which the grant was awarded and disposes of the land in fee simple or by lease, the organization shall negotiate with the expending agency for a lump sum or installment repayment to the State of the amount of the grant used for the acquisition of the land.

Further, the undersigned authorized representative certifies that this statement is true and correct to the best of the applicant's knowledge.

The Legal Clinic
(Typed Name of Individual or Organization)

Bettina Mok
(Signature)

Jan. 27, 2023
(Date)

Bettina Mok
(Typed Name)

Executive Director
(Title)

Use of Funds for Public Purpose

If awarded a grant from the State of Hawai'i, The Legal Clinic will use the grant funds only for public purpose, pursuant to Section 42F-102 of the Hawai'i Revised Statutes.

(1) The name of the requesting organization or individual:

The Legal Clinic, an independent 501c3 non-profit organization as of June 2019.

(2) The public purpose for the grant:

The Legal Clinic's mission is to ensure justice for low-income immigrants and migrants in Hawai'i through high-quality immigration legal services, education and advocacy. The public purpose of this grant would be to plan and deliver services and other activities in pursuit of this mission. TLC provides free immigration legal services to low-income immigrants in Hawai'i; organizes clinics and workshops on immigrant rights, needs, and pathways to citizenship; and works to raise public awareness of the immigrant experience and immigrant contributions.

(3) The services to be supported by the grant:

With this grant, The Legal Clinic (TLC) will increase awareness of immigrant rights and legal services among low-income immigrant communities in rural O'ahu and on neighbor islands; and will provide free immigration legal services to at least 80 eligible low-income residents of our state. TLC and partners will coordinate public educational events such as "know your rights" workshops and online info sessions to highlight resources for immigrants, and to raise public awareness of immigrant justice matters and legal services.

(4) The target group:

Low-income foreign-born residents of the state of Hawai'i (legal service recipients) and members of the public (through educational outreach).

(5) The cost of the grant and the budget.

Grant request amount: \$150,000

Budget amount: \$530,000

Please see budget details on "Budget Request by Source of Funds" page.

Further, the undersigned authorized representative certifies that this statement is true and correct to the best of the applicant's knowledge.

The Legal Clinic
(Typed Name of Individual or Organization)


(Signature)

Jan. 17, 2023
(Date)

Bettina Mok
(Typed Name)

Executive Director
(Title)

II. Background and Summary

1. Applicant's background

The Legal Clinic (TLC) was established in 2017 by a group of Hawai'i lawyers and immigrant advocates to address the dire needs of constituents who could not obtain citizenship, work authorization, or relief from deportation. TLC was incorporated as an independent nonprofit in 2019 with a mission to ensure justice for low-income immigrants and migrants in Hawai'i through high-quality immigration legal services, education, and advocacy.

TLC provides expert legal services at no cost to low-income immigrant and migrant residents of Hawai'i whose household income is at or below the 200% federal poverty level, which is below the "Household Survival Budget" in Hawai'i, as defined by United Way's 2020 ALICE Report¹.

In the state of Hawai'i where one out of five residents is born outside of the U.S., and over 100,000 residents are not yet U.S. citizens, there are fewer than seven attorneys *statewide* specializing in immigration law who offer pro bono services year-round. Two of them work for TLC, which was founded to address this critical gap in services for the most vulnerable immigrant residents, who typically hold the lowest-wage jobs in agriculture, hospitality, tourism, and home healthcare.²

Low-income residents are typically unable to afford the services of private attorneys, so they often delay applying for a change in immigration status that could provide access to benefits, work authorization, voting, and greater security for themselves and their families. Many who are out of status are also hesitant to request support, for fear of detention or deportation.

TLC has served over 400 Hawai'i residents with immigration legal services since 2019, often in partnership with other community partners. Services include: advice and counsel on immigration legal matters; assistance with asylum petitions; applications for DACA renewal, legal permanent residence (green cards), citizenship, document replacements, and work authorizations; and client representation at hearings and appearances in federal immigration court and at the U.S. Citizenship and Immigration Services (USCIS).

TLC assists vulnerable immigrant and migrant residents by:

- providing direct legal services and legal representation in federal immigration court;
- reuniting families or preventing them from being separated through family-based sponsorships and removal defense cases;
- providing public education on immigration law and policies; and
- advocating for fair resource allocation and just immigration policies that acknowledge the inherent dignity and value of all people.

Some of TLC's legal services are unduplicated by other service providers in Hawai'i. TLC's specialized immigration attorneys provide advice and counsel and full-scope representation on some of the most challenging matters of immigration law, including in removal defense (against

¹ [ALICE: A Study of Financial Hardship in Hawai'i](#), Aloha United Way, 2020.

² [A Snapshot of the Immigrant Population of Hawai'i](#), New American Economy, Nov 2022.

deportation). In addition, while other organizations may be limited by the terms of federal funding, TLC is not prohibited from assisting undocumented clients.

TLC has earned the respect of community and faith leaders, attorneys, policy makers, immigrant advocacy groups, and service providers working with indigent Hawai'i residents. The Office of the Public Defender has recognized TLC as a source for expert guidance on immigration consequences of criminal sentencing in Hawai'i.

TLC is the Hawai'i affiliate of Immigration Law & Justice Network (formerly National Justice for Our Neighbors), a network of 19 immigration legal service clinics across the U.S.; and a member of National Partnership for New Americans, one of the largest national coalitions of immigrant rights advocacy organizations.

2. Goals and Objectives

Goals

- To increase awareness of immigrant rights and legal services among impacted populations in rural O'ahu and on neighbor islands.
- To provide a pathway toward greater security and economic stability for a greater number of low-income residents of our state who are foreign-born and among the most vulnerable.

Objectives:

- Provide direct, free immigration legal services and expert counsel for at least 80 eligible, low-income clients during the contract period.
- Coordinate at least two workshops or webinars on immigrant/migrant rights, legal services, or other related topics. At least one will focus on engaging neighbor island residents.
- Increase our legal team capacity by hiring a third immigration attorney and/or a second DOJ Accredited Representative during the contract period.
- Over 1,000 Hawai'i residents will learn about naturalization/citizenship pathways and/or other related immigrant justice services and resources through TLC's increased social media presence, webinars, mass text alerts, and public presentations.

3. Public Purpose and Need

Hawai'i has a critical shortage of legal service providers for the low-income immigrant and migrant residents of our state—of whom over 100,000 are not yet U.S. citizens. Many of these residents may be eligible to become citizens but can't afford a private attorney who could help them navigate the complex immigration legal policies and procedures to apply for a change of status. Others may be fearful to come forward, while most are simply not aware of the resources available to them, so they often delay applying for a change in immigration status that could provide access to benefits, work authorization, voting, and greater security for themselves and their families.

A 2022 [report in the Journal on Migration & Human Security](#) refers to Hawai'i as an "immigration legal capacity desert" because our state has the fewest "charitable" immigration attorneys in the nation, with a ratio of 1 attorney to 31,541 undocumented residents, most of

whom likely can't afford to hire a private attorney to inquire about pathways to legal status. TLC is aware of only seven public service attorneys statewide who provide immigration legal services at no or low cost, despite the overwhelming need for these specialized services. Two of these immigration attorneys work at TLC. Several other nonprofits that do provide assistance with immigration applications are limited in the scope of legal services they can provide since they do not have immigration attorneys on staff. And while one nonprofit legal service provider does retain staff immigration attorneys, it is limited to certain types of client cases by federal funding restrictions. As a result, many removal defense and asylum cases are now being referred to TLC, and our client waiting list is growing.

There are many reasons clients come to The Legal Clinic – many simply need help renewing a visa, applying for DACA renewal, work authorization, or U.S. citizenship. While some clients might require only brief service for routine matters, many of those coming to TLC have difficult, multi-layered cases that require extended advice and counsel. Such matters might include seeking defense against removal/deportation, applying for asylum on the basis of home country persecution, and pursuing family reunification through sponsorship petitions.

Studies have shown that successful applications for permanent residency or naturalization led to immigrants being better able to secure employment (including an increase in personal earnings of as much as 11%), and to become more civically engaged—significantly boosting economic and social opportunity for them and for our community as a whole.

For undocumented residents, of which there are an estimated 48,000 or more in Hawai'i, the lack of legal representation is even more dire. There is no presumptive right to defense counsel in federal immigration court, meaning that individuals who cannot afford attorney fees may face detention, deportation, or denial of citizenship benefits without legal representation. Many immigrants waive what few due process rights they have, like their right to an interpreter, or will waive their trial altogether and “self-deport” rather than remain in detention indefinitely. According to the American Immigration Council, nationwide, immigrants in detention who had access to legal counsel were four times more likely to be released from detention than those without counsel. Also, among detained immigrants nationwide, those with legal counsel were twice as likely to obtain immigration relief (e.g., asylum) in court compared to those without counsel. in court compared to those without counsel.

The State of Hawaii Office of the Public Defender recently shared the importance of The Legal Clinic's (TLC's) work in Hawai'i: *"TLC assists the Office of the Public Defender with our clients that are concurrently experiencing immigration issues as a result of their criminal case. TLC advises our attorneys on immigration-friendly plea deals, safe havens, and the various forms of relief available to our clients. TLC informs us of the dangers of certain charges and certain pleas. The help and advice that we have received from TLC has made an enormous difference in the lives of our clients, and the lives of our clients' families."* (Lee S. Hayakawa, Assistant Public Defender).

TLC's work is rooted in the fundamental belief in human rights for all, including immigrants who may currently be “out of status” or undocumented in the U.S. Securing legal status enables immigrant residents to become more civically engaged and to contribute more fully to Hawai'i's economic, cultural, and social vitality.

4. Target population to be served

In 2021, a longtime Hawai'i resident of South American origin, was dismayed when, upon returning to Honolulu from a trip, she was detained at the airport and served with a Notice to Appear before federal immigration court. This 70-year-old grandma was suddenly facing removal from the U.S. (and separation from her grandkids) for a non-violent, 30-year-old offense for which she had already served out her sentence. Fortunately, a TLC attorney successfully contested the charges made against her, terminated her immigration court case, and prevented her from being deported from the only country she has called home for over 30 years. TLC is now assisting her with applying for U.S. citizenship. This is just one example of a case where a local resident may have had no other legal recourse, with dire consequences.

TLC's focus is on helping the most vulnerable immigrants and migrants in Hawai'i—those at or below 200% of federal poverty levels (Hawai'i adjusted)—with few financial resources and often with English as a second language. TLC has served clients from over 30 countries of origin, representing an even broader array of spoken languages.

According to U.S. Census figures for 2014-2018, over 18% of Hawai'i's population consists of first-generation immigrants or migrants --almost one out of five state residents—75% of whom live in Honolulu. Immigrants from the Philippines make up almost half of all immigrants in Hawai'i. The next highest countries of origin include Japan (8.4 %), mainland China (7.8%), Korea (7.0%), and Micronesia (4.6%). This latter group is comprised of residents from the nation states that make up the Compact of Free Association (COFA), including the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. The Compact entitles citizens of these states to migrate to the U.S. and work legally here. With an estimated 18,000 COFA residents already living in the state, this may be the fastest growing migrant group in Hawai'i.

Immigrants and migrants fill crucial roles in our state's economic well-being, contributing over \$17.5 billion to the state GDP—paying taxes, creating businesses, and staffing essential jobs. Immigrants and migrants play an outsized role in certain job sectors including agriculture (2 in 5 workers statewide), tourism/ recreation/ hospitality (1 in 3 workers), and healthcare (25% of Honolulu's healthcare workers are foreign-born, primarily from the Philippines).

Yet almost 25% of Hawai'i's immigrants earn less than \$32,000 per year³, and over 42% (108,000+) live at or below what is considered the "Household Survival" level in Hawai'i.⁴ Low-income immigrants are among the most vulnerable members of our community and often lack access to social service benefits and legal assistance. Sadly, Honolulu ranks sixth lowest in terms of immigrant integration among the nation's 100 largest cities.⁵

A sizable segment (42%) of the foreign-born population in Hawai'i is made up of non-U.S. citizens. At least 40,000 of the legal permanent residents (green card holders) in Hawai'i are eligible to apply for citizenship but have not done so due to lack of awareness or lack of access

³ [A Snapshot of the Immigrant Population of Hawai'i](#), New American Economy, Nov 2022.

⁴ [ALICE: A Study of Financial Hardship in Hawai'i](#), Aloha United Way, 2020.

⁵ [Immigrants and Migrants in Hawai'i](#), New American Economy, May 2021.

to resources and assistance. Of the over 48,000 residents who are estimated to be out of status—undocumented, and not currently eligible for citizenship, often due to visa overstay—many may qualify for other protections such as asylum or DACA (Deferred Action for Childhood Arrivals) status, as a first step toward legal permanent residency.

Many immigrants want nothing more than to secure their immigration status in order to be able to vote, travel freely, work legally, be eligible for health benefits and student loans, and to support their families.

5. Geographic coverage

TLC is currently able to provide legal services to low-income residents of any part of the state of Hawai‘i, limited somewhat by the clients’ own ability to attend hearings and appointments at the US Citizenship & Immigration Services offices in Honolulu, or appearances at federal immigration court on O‘ahu. The majority of our clients are on O‘ahu with a growing number on Hawai‘i Island. We’ve also served a few other clients from other neighbor islands.

To date we have assisted clients from several neighbor islands via phone and videoconferencing, and with in-person meetings on Hawai‘i Island, and on O‘ahu, including when any are detained in the federal detention center at the Honolulu airport. TLC has two offices on O‘ahu, including inside a church in the Ward area and one downtown.

As part of a recently completed five-year strategic plan, TLC aims to steadily expand its legal services to rural O‘ahu and neighbor islands, where residents do not have ready access to immigration legal counsel. This requires concerted outreach effort, including meetings with leaders from those communities, community partnership development, technology, travel, and information translated into various languages that is disseminated online and at in-person events.

Fortunately, TLC already has connections and/or partnerships with immigrant- and migrant-serving groups and agencies such as Safe Haven Waipahu, Catholic Charities-Hilo, Maui County immigration services, Hawaii County immigration services, Pacific Gateway Center, and churches that assist us in doing outreach and in hosting workshops and offsite clinics. Additionally, one of our board members, Shanty Asher, is the Pacific Islander Liaison for the City and County of Honolulu, and another, Liza Ryan-Gill coordinates a new statewide Hawai‘i Coalition for Immigrant Rights which is bringing more immigrant- and migrant-serving groups from across the state together to advocate for fair policies and needed resources.

III. Service Summary and Outcomes

1. Scope of work, tasks and responsibilities

The Legal Clinic (TLC) proposes to expand services for low-income immigrant and migrant residents across the state through targeted outreach, know-your-rights education, free legal services, increased staffing capacity, and community events.

- TLC shall provide legal services to at least 80 eligible, low-income clients during the contract period.
 - TLC attorneys and the TLC paralegal/ACR shall regularly meet with clients by phone, in person, or via videoconferencing to do initial screening, intakes, and consultations; shall prepare various forms and applications, and collect and assemble necessary evidence; and shall file applications and documentation with USCIS and the Executive Office for Immigration Review.
 - TLC attorneys represent clients in hearings before immigration court and accompany them to USCIS interviews, oath ceremonies, and other appointments. TLC attorneys also visit clients or prospective clients incarcerated at the federal detention center who are to appear before the immigration court.
 - Appointments are conducted in safe, confidential, trauma-informed, and supportive manner. When needed, TLC can provide language interpretation and translation (via Language Services Hawai'i and the Hawai'i Language Bank of Pacific Gateway Center) so that our clients with limited English proficiency are well served.
 - TLC attorneys and other staff travel to Hawai'i Island and potentially other neighbor islands, to meet with clients and with other legal services providers.
 - TLC legal team members track cases, client meeting notes, and documents with the help of case management software.
- TLC shall also organize and hold at least two community events – either in-person and/or online to reach a wider audience with information on immigrant justice related matters.
 - At least one of these events will be designed to focus on reaching neighbor island residents, who typically have less access to free immigration legal services and information. TLC staff members shall travel to neighbor islands if needed.
 - A TLC attorney and/or paralegal/ACR shall conduct a Know Your Rights session on immigration status options and a hands-on workshop to provide onsite legal advice or assistance in completing the N-400 naturalization application or other USCIS related forms.
 - Language translation and interpretation shall be provided if needed.
 - TLC's executive director will coordinate with community partner organizations if possible, for effective and targeted community outreach.
 - TLC's engagement & administrative coordinator will assist with event logistics and promotion.
- TLC's engagement & administrative coordinator shall regularly share (at least monthly) information on immigration legal services, naturalization/citizenship pathways, and/or other related resources via social media posts, website updates, and mass text alerts. Over 1,000 Hawai'i residents shall view or receive this information.
- TLC's engagement & administrative coordinator and executive director will promote the recently updated free "A Guide for Hawaii's Immigrant Youth" to community service

providers and educators. This is a resource that assists immigrant and migrant youth and their adult allies and caregivers with navigating the complexities of immigration policy and in identifying resources for support. The Guide is co-authored by one of TLC's founding board members, and will be hosted on our updated website in FY24.

- TLC's senior attorney and executive director shall conduct a search for a third immigration attorney position, or a second paralegal with DOJ Accredited Representative status, to be filled by the end of the contract period—if sufficient funding is secured. This position would be full-time and enable TLC to increase the number of clients served in the coming years.

2. Projected annual timeline

Year-round: client meetings/correspondence; represent clients at immigration court and accompany them to government appointments as needed; case management and research; track metrics; social media communications and other outreach; community partnership development; engage language interpreters; staff planning meetings; advocacy for immigrant rights.

Months 1-3: Provide free immigration legal services to at least 16 clients. Outreach to immigrant- and migrant-serving community groups. Develop community workshop on immigrant law-related topic/service in conjunction with community partners. Identify venue or online platform to use and plan event logistics. Develop informational messaging for social media, especially targeted to residents of rural O'ahu and neighbor islands. Engage translators as needed. Promote "A Guide for Hawaii's Immigrant Youth" to community service/social service providers and educators.

Months 4-6: Provide free immigration legal services to at least 24 clients. Do targeted promotion and outreach for upcoming workshop, via social media, website, mass texting, and through partner communications. Implement community workshop on immigrant law-related topic/service. Possible travel to neighbor island. Track participation and solicit and document feedback from community partners and participants. Plan second community workshop or know-your-rights info session related to immigrant law topic/service. Draft job description for new legal team position.

Months 7-9: Provide free immigration legal services to at least 24 clients. Promote and put on second workshop or know your rights session, virtually or in person. Share information widely via social media and other types of media. Track participation and solicit and document feedback from community partners and participants. Post new legal team job description publicly.

Months 10-12: Provide free immigration legal services to at least 16 clients. Promote "A Guide for Hawaii's Immigrant Youth" to community service/social service providers and educators. Conduct interviews of candidates for the new legal team staff position and select the right candidate to fill the position. Evaluate 12-month overall program effectiveness. Explore opportunities of increased program expansion to neighbor islands.

3. Quality assurance and evaluation plan

Delivering high quality legal services is a fundamental value at The Legal Clinic (TLC). As a service provider, TLC will utilize the following quality assurance and evaluation measures.

- Using case management software (FastVisa), timesheets, and spreadsheets, TLC's legal team tracks hours spent on client services and documents the number of clients and types of services provided. FastVisa records also reflect the outcome of each client matter, as does the supporting paperwork from USCIS and the Immigration Court (e.g., a grant or denial of an application or petition).
- TLC is required to complete and file monthly client and case reports with our national affiliate, the Immigration Law & Justice Network (ILJN) to track open and closed cases, client countries of origin, and case types. ILJN does a yearly audit of The Legal Clinic's legal services and operations and also assigns a consulting immigration attorney to check with our attorneys on cases on a weekly or bi-weekly basis.
- Clients complete registration forms and/or answer screening questions during an initial meeting with TLC's legal team members or at public workshops/clinics. Each client is required to sign a retainer agreement which, among other things, ensures confidentiality.
- TLC staff or trained volunteers do follow-up calls or emails with clients to ensure their process is moving forward as scheduled. After a case is resolved or service ends, TLC prepares a closing letter for the client, signed by an attorney, summarizing the service provided and why the case is now closed.
- TLC tracks participant numbers for workshops, naturalization clinics, and other events, solicits feedback from community partners, and discusses improvements for future events. TLC's engagement coordinator is responsible for documenting events and soliciting post-event feedback.
- Social media data will show increased online following and webinar/live stream info session views and participation.
- Conduct staff evaluation and performance review plans.

4. Measure(s) of effectiveness that will be reported to the State agency through which grant funds are appropriated (the expending agency).

- TLC shall have provided immigration legal services for 80 or more unique clients (eligible, low-income) during the contract period. While not all client matters can be resolved within the contract period, there will be progress or resolution on many, and all clients will be better informed through the process.
- TLC shall have put on at least two workshops or info sessions on immigrant and migrant rights or immigration legal services. At least one of these events shall focus on engaging neighbor island residents. Community partners shall attest to the value of these events.

- Over 1,000 Hawai'i residents shall have learned about naturalization/citizenship pathways and/or other related immigrant justice services and resources through TLC's increased social media presence, webinars, mass text alerts, and public presentations.
- TLC shall have distributed "A Guide for Hawaii's Immigrant Youth" to at least 20 community service/social service providers and educators.
- TLC shall have hired a third immigration attorney and/or a second DOJ Accredited Representative by the end of the contract period.

IV. Financial

Budget

1. Budget Forms

- a. Budget request by source of funds (Link)
- b. Personnel salaries and wages (Link)
- c. Equipment and motor vehicles (Link)
- d. Capital project details (Link)
- e. Government contracts, grants, and grants in aid (Link)

2. Anticipated quarterly funding requests for the fiscal year 2024.

Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total Grant
\$44,000	\$46,000	\$30,000	\$30,000	\$150,000

3. Listing of all other sources of funding that TLC is seeking for fiscal year 2024.

Atherton Foundation	\$ 20,000 (requested, pending)
City & County of Honolulu GIA	\$125,000 (requested, pending)
Hawaii Justice Fdtn. (HJF) – IOLTA	\$ 60,000 (awarded for FY24)
State Judiciary/ HJF – ILAF	\$ 25,000 (pending requested)
Hawai'i Community Foundation	\$ 30,000 (not yet requested for FY24)
McInerney Foundation	\$ 20,000 (not yet requested for FY24)
State of Hawai'i Judiciary contract	<u>\$100,000</u> (not yet requested for FY24)
	\$380,000

4. Listing of all state and federal tax credits granted to TLC within the prior three years; and listing of all state and federal tax credits TLC has applied for or anticipate applying for pertaining to any capital project, if applicable.

None. Not applicable.

5. Listing of all federal, state, and county government contracts, grants, and grants in aid TLC has been granted within the prior three years and will be receiving for fiscal year 2024 for program funding.

Awarded:

Hawai'i Justice Foundation - IOLTA fund (Hawaii State Bar Association)	4/1/23-3/31/24	\$ 60,000
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Requested (not yet secured) for 2024 program funding:

City & County of Honolulu - Grant-in-Aid	11/1/23-10/31/24	\$ 125,000
State of Hawai'i Judiciary (Indigent Legal Assistance Fund)-administered by Hawai'i Justice Foundation. Amount is estimated, based on ILAF formula.	7/1/22-6/30/23	\$ 25,000

Prior government grants and contracts (2020-2023) -not for FY24 programming

State of Hawai'i Grants-in-Aid FY23	TBD, contract pending	\$ 140,000
Federal Appropriations Contract	TBD, contract pending	\$ 120,000
State of Hawai'i Judiciary for civil legal services for low- and moderate-income persons (RFP J23165)	11/15/22-6/30/23	\$ 245,000
State of Hawai'i Judiciary (Indigent Legal Assistance Fund)-administered by Hawai'i Justice Foundation	7/1/22-6/30/23	\$ 22,604
Hawai'i Justice Foundation - IOLTA fund	4/1/22-3/31/2023	\$ 55,000
City & County of Honolulu - Grant-in-Aid	11/1/21-10/31/22	\$ 200,000
SBA Targeted EIDL Advance (Covid relief)	10/11/21-9/30/22	\$ 5,000
SBA Targeted EIDL Advance (Covid relief)	9/23/21-9/22/22	\$ 10,000
City & County of Honolulu - Grant-in-Aid	1/20/21-10/31/21	\$ 125,000
Hawai'i Justice Foundation - IOLTA fund	4/1/21-3/31/22	\$ 60,000
SBA Payroll Protection Program (loan forgiven)	2/17/21-12/31/22	\$ 45,935
SBA Payroll Protection Program (loan forgiven)	4/1/20-3/31/21	\$ 31,900
SBA Disaster Assistance Loan (not forgiven)	8/4/20-8/3/50	\$ 96,100
City & County of Honolulu - Grant-in-Aid	9/13/19-9/30/20	\$ 125,000

6. Balance of TLC's unrestricted current assets as of December 31, 2022.

\$640,000 estimated

V. Experience and Capability

1. Necessary Skills and Experience

The applicant shall demonstrate that it has the necessary skills, abilities, knowledge of, and experience relating to the request. State your experience and appropriateness for providing the service proposed in this application. The applicant shall also provide a listing of verifiable experience of related projects or contracts for the most recent three years that are pertinent to the request.

- TLC’s staff attorneys are specialists in immigration law. TLC’s executive director has over 30 years’ experience in the nonprofit sector. TLC’s team further includes paralegal, Lia Nakao—who recently was designated a U.S. Department of Justice Accredited Representative, and engagement and administrative coordinator Madeline Svengsouk, who manages TLC communications and events. A full-time Ilocano-speaking legal assistant and contracted accountant round out the team. Please see staff qualifications below.
- TLC’s board includes veteran lawyers, educators, faith leaders, Pacific Islander and immigrant representatives, an accountant, a nonprofit manager, and a social worker. It is a very ethnically-diverse board with strong networks and a passion for human rights and social justice.

Relevant projects or contracts for the most recent three years:

- TLC has provided high quality immigration legal services to over 400 unique individuals in Hawai’i in just three years, without charging attorneys fees.
- TLC and its partners have put on five “citizenship workshops” between 2019 and 2022. These assisted 185 legal permanent residents apply for citizenship.
- The City and County of Honolulu awarded TLC a Grants-in-Aid contract three years in a row to provide immigration legal services, from 2019 to 2022. No contract was awarded in FY23. A proposal for renewed funding is pending for FY24.
- The Hawai’i State Judiciary in partnership with Hawai’i Justice Foundation has awarded TLC two years of Indigent Legal Assistance Fund (ILAF) support to date (\$14K-\$24k) to provide immigration legal services to indigent residents. The Judiciary recently invited TLC to submit a proposal for a third year of funding.
- The State Judiciary also recently awarded TLC a \$240,000 contract to provided immigration legal services through June 2023, for low-income immigrants in Hawai’i.
- From August to December 2020, Hawai’i Community Foundation contracted TLC to provide multilingual outreach and COVID relief assistance—“TLC CARES” project—to limited-English speaking communities on O’ahu. TLC brought on 12 multi-lingual contractors and partnered with 8 community groups to distribute cash assistance to over 1,300 households, share health and resource messaging with over 52,000 residents, and provide testing and/or benefits application services to 300 residents.

These projects demonstrate TLC's ability to do effective outreach, forge strategic partnerships, manage grant contracts, and perform at a high level to deliver specialized legal and related services to a diverse and often marginalized population.

- TLC is fortunate to be an affiliate of the Immigration Law & Justice Network/ILJN (formerly National Justice for Our Neighbors), which supports 19 organizations like TLC across the country that together operate over 50 clinics providing Immigration legal and educational services. ILJN provides support to TLC through a pro-bono legal advisor and fundraising consultant, shared advocacy and educational resources, and a wide range of other peer network resources.
- TLC is a member of the National Partnership for New Americans (NPNA) network, one of the largest and most respected immigrant advocacy organizations in the U.S.
- TLC is a proud member of the Hawai'i Association of Nonprofit Organizations (HANO).

2. Facilities

The Legal Clinic office is inside the First United Methodist Church, at 1020 S. Beretania St. in Honolulu. It is very centrally located, across the street from the Honolulu Museum of Art, two blocks from Blaisdell Center, and easily accessible by car, public transit, and on foot. The church is leasing the space to TLC for \$1/year. One attorney regularly schedules client meetings at this location, where we can also store files securely. There is limited free parking for clients and volunteers.

TLC recently opened a larger, second office –this one in downtown Honolulu, where most of our staff now works. There is a private meeting room and a private office where our attorneys and paralegal can meet with clients. Clients and volunteers are given parking validation stickers for onsite parking. It is centrally located for bus lines.

TLC is in conversation with Hawai'i County Office of Immigration Services and Catholic Charities-Hilo to help identify possible locations for an in-person workshop on Hawai'i Island. When holding client meetings on the Kona side, the TLC attorney can arrange to use a borrowed church office when accompanying law students and faculty from the UH Richardson School of Law Refugee & Immigration Law Clinic. TLC will seek additional meeting locations to borrow in rural O'ahu and neighbor islands. Susannah Wesley Community Center, which serves many immigrant and migrant residents in the Kalihi neighborhood of O'ahu has offered to let us use their center when putting on workshops that can benefit local constituents.

VI. Personnel: Project Organization and Staffing

1. Proposed Staffing, Staff Qualifications, Supervision and Training

- **Senior Attorney** Omar Vaquerano manages TLC’s legal services team and directly supervises attorney Kara Teng and paralegal Lia Nakao. All are full-time employees. Besides handling his own caseload, Omar will work closely with Lia to plan and implement know your rights events and community workshops. Typically, Omar and Lia will work together on affirmative USCIS matters. Omar will also work with the executive director to interview and hire a new legal team member (attorney or paralegal with DOJ Accredited Representative status). 50% of the senior attorney’s time is allocated under this funding proposal.

Omar has two law degrees (J.D. and LL.M), over four years of immigration law practice in the private sector and, as a member of the bar of the State of New York, is fully authorized to practice in immigration court. From 2019 to 2022, he worked as an immigration attorney at two other private law firms in California, representing clients in immigration court, and in connection with a wide range of immigration matters such as preparing waivers of grounds of inadmissibility, filing applications for advance parole, DACA renewal, U-visas, family petitions, and naturalization. In his most recent position, Omar and his team of five whom he supervised, were responsible for a caseload of 600. He speaks English and Spanish fluently, and some basic French.

- **Immigration Attorney** Kara Teng provides advice and counsel to clients and represents them in immigration court and at USCIS hearings. She supervises a legal assistant who assists both Kara and Omar with client screening calls, data entry and reporting, scheduling, and research. Kara prioritizes complex asylum and removal defense cases. Her position is full time, year-round. 25% of her time is allocated under this funding proposal.

Kara received her law degree from the William S. Richardson School of Law in 2017 and was admitted to the Hawaii State Bar in January 2019. Before joining The Legal Clinic in fall of 2021, Kara worked for two years as an Attorney Advisor for the San Francisco Immigration Court, where she advised immigration judges on complex matters involving asylum, cancellation of removal, waivers of inadmissibility, and adjustment of status, among other areas. Previously, she served for two years as a law clerk for the Honorable Rhonda I. L. Loo of the Hawai’i Second Circuit Court. She also externed at Hawai’i Immigrant Justice Center (which is part of the Legal Aid Society of Hawai’i) and at the Honolulu Immigration Court.

- **Paralegal** Lia Nakao has recently been designated an Accredited Representative (ACR) by the U.S. Department of Justice. This means that she can provide assistance to clients with USCIS matters without a law degree, and in doing so, greatly expand our legal team’s capacity. She’ll work closely with the senior attorney in providing in-office and telephonic client services, and with the engagement coordinator and executive director to plan community workshops. She reports to the senior attorney who also will task her with assistance on his client matters. Lia earned her B.A. in History from the University of Hawai’i at Mānoa and worked as a Group Service Specialist for the Hawai’i Medical Service Association (HMSA) for four years. While Lia was working at HMSA, she completed the Legal

Education Certificate Program at Kapiolani Community College where she received a paralegal professional certification. Lia's position is full-time, and 25% of her time would be allocated to the activities in this proposal.

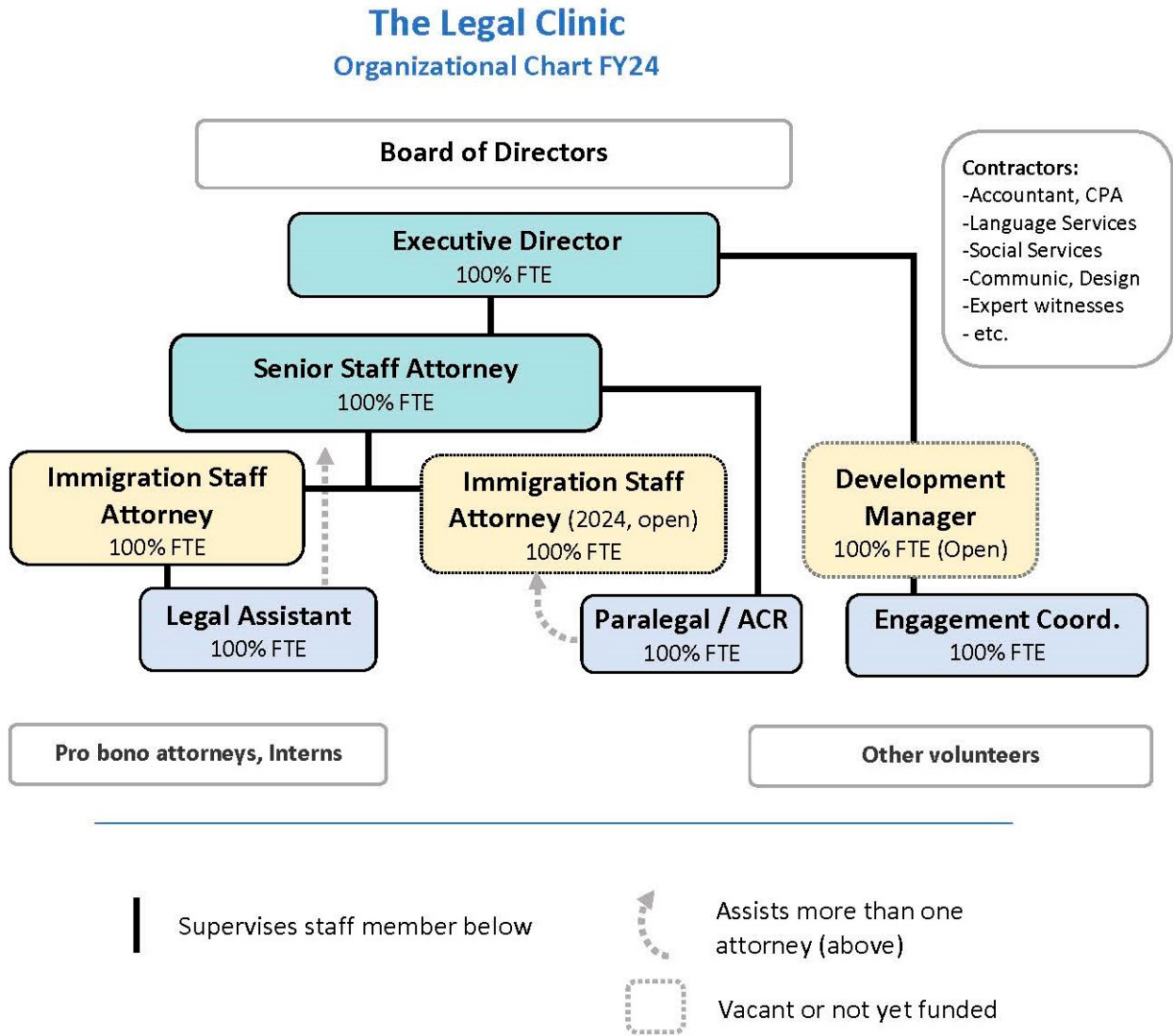
- **Engagement & Administrative Coordinator** Madeline Svengsouk is responsible for TLC's communications and outreach efforts, as well as volunteer and event coordination. Under the proposed contract, she will spend 40% of her full-time position in outreach to TLC's potential client community, and in posting to our social media channels, website, and mass texting platform with event and resource information, services, and immigration policy updates. She will also assist the legal services team with publicity, registration, and logistics for community-focused workshops/events, both virtual and in person. This position currently reports to the executive director, though this will change once a new position (development manager) is filled in calendar year 2023. Madeline has a B.A. in Public Health, summa cu laude, from Bryn Mawr College (PA), where she worked in events coordination and peer mentoring. She has prior experience with a voter registration initiative, co-hosting and writing for a podcast, and managing social media and promotions for a small business.
- **Executive Director** Bettina Mok is tasked with day-to-day administration and fiscal management of TLC, including hiring and staff support, facilities and equipment, managing subcontractors and consultants, expense coding, grants and reporting. She currently supervises the engagement & administrative coordinator and will work with the attorneys to ensure good client service, up to date data systems, and development of strategic community partnerships. She will work closely with the legal team and the engagement coordinator to plan the community workshops and online infoessions. She will also oversee implementation of the grant activities and report on related progress. The ED works closely with TLC's accountant from Lacambra & Associates on bookkeeping, financial reporting, payroll, and tax filing; and with CPA firm CWAssociates on a yearly audit or financial review process. 31% of her time is allocated under this funding proposal.

Bettina has worked in the public benefit sector and nonprofit administration for over 30 years, serving variously as an ED, program manager and director, grant writer, foundation officer, diversity trainer, and independent consultant to other nonprofit directors. She has significant experience and training in fundraising, employee supervision, budgeting and financial management, volunteer and board management, event planning, program development and non-profit administration. Bettina has a Master of Arts degree in International Administration and speaks German and basic conversational French and Spanish.

Training: All staff members are required to complete a child protection training and TLC orientation as part of the onboarding process. Attorneys take continuing education/CLE courses to maintain their active bar status on an annual basis, and when possible, attend annual conferences such as those offered by our national affiliate Immigration Law & Justice Network (ILJN), or American Immigration Lawyers Association. Each year, the executive director and one or more board members also attend the ILJN annual roundtable to gain insight and practical

training in nonprofit management and legal service delivery. Other staff are encouraged to pursue continuing education, and if relevant to their roles, can do so on paid time.

2. Organization Chart



3. Compensation

Executive Director	\$85,000-\$97,000
Senior Immigration Attorney	\$80,000-\$85,000
Immigration Staff Attorney	\$65,000-\$76,000

VII. Other

1. Litigation

There is no pending litigation for The Legal Clinic

2. Licensure or Accreditation

- The Legal Clinic’s staff attorneys, and any contracted lawyers representing clients on immigration cases, shall have a law degree, and membership in a state Bar.
- TLC’s staff attorneys are also authorized to represent cases and clients before the U.S. Citizenship and Immigration Service Executive Office for Immigration Review (US Department of Justice).
- In 2022, the U.S. Department of Justice (DOJ) designated The Legal Clinic to serve as a “Recognition & Accreditation Program” site. As such, non-attorneys serving with TLC can apply to become DOJ “Accredited Representatives (ACRs)” who can then represent foreign-born individuals before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA). The DOJ also designated TLC paralegal Lia Nakao as a DOJ Accredited Representative in 2022. TLC is aware of only three active DOJ Accredited Representatives in the State of Hawai’i serving our foreign-born communities.

3. Private Educational Institutions

This award/grant would not support a private educational institution (neither sectarian or non-sectarian) –as referenced in Article X, Section 1, of the State Constitution.

4. Future Sustainability Plan

TLC’s board-led development committee works closely with the executive director to develop a comprehensive annual fundraising plan that includes diverse revenue sources. The organization’s financial sustainability is an important component of our work and is reflected in our newly developed five-year strategic plan. The fundraising plan is evaluated for effectiveness at the end of every year and changes are made accordingly, if needed.

In addition to making personal contributions, board members actively engage in fundraising through grant writing, corporate partner cultivation, planning annual fundraising events, and conducting outreach to individual donors.

While all sources of funding are equally important, the successful procurement of private foundation grants, and public funding awards from the City & County of Honolulu and the State of Hawai’i have contributed to TLC’s ability to scale our work. TLC has also worked diligently to develop an individual donor base since 2019, and receives support from several hundred individual donors each year.

TLC remains flexible to respond to new sources of opportunities as they arise, including invitations to apply to national funding sources. To leverage financial resources, TLC utilizes existing community resources such as pro bono legal assistance, a growing volunteer base, and partnerships with other organizations and faith-based institutions. Engaging local law firms and attorneys through pro bono legal assistance is one example of how TLC utilizes the strength of its network to further its mission. Furthermore, free office space from the First United Methodist Church of Honolulu has allowed us to save thousands in rental costs over these past four years.

We plan to secure corporate sponsorships for events and will prioritize law firms that have a vested interest in upskilling their attorneys in immigration law, creating reciprocal relationships to ultimately benefit the immigrants we serve.

BUDGET REQUEST BY SOURCE OF FUNDS

Period: July 1, 2023 to June 30, 2024

Applicant: The Legal Clinic

BUDGET CATEGORIES	Total State Funds Requested (a)	Total Federal Funds Requested (b)	Total County Funds Requested (c)	Total Private/Other Funds Requested (d)
A. PERSONNEL COST				
1. Salaries	124,445			
2. Payroll Taxes & Assessments	16,125			
3. Fringe Benefits	3,430			
TOTAL PERSONNEL COST	144,000			
B. OTHER CURRENT EXPENSES				
1. Airfare, Inter-Island				
2. Insurance				
3. Lease/Rental of Equipment				
4. Lease/Rental of Space				
5. Staff Training				
6. Supplies				
7. Telecommunication				
8. Utilities				
9. Consultants/Contractors	6,000			
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
TOTAL OTHER CURRENT EXPENSES	6,000			
C. EQUIPMENT PURCHASES	0			
D. MOTOR VEHICLE PURCHASES	0			
E. CAPITAL	0			
TOTAL (A+B+C+D+E)	150,000			
SOURCES OF FUNDING		Budget Prepared By:		
(a) Total State Funds Requested	150,000	Bettina Mok (808) 787-2589		
(b) Total Federal Funds Requested	0	Name (Please type or print) Phone		
(c) Total County Funds Requested	125,000	<i>Corey Park</i> 1/18/23		
(d) Total Private/Other Funds Requested	255,000	Signature of Authorized Official Date		
TOTAL BUDGET	530,000	Corey Park, President of the Board Name and Title (Please type or print)		

BUDGET JUSTIFICATION - PERSONNEL SALARIES AND WAGES

Period: July 1, 2023 to June 30, 2024

Applicant: The Legal Clinic

POSITION TITLE	FULL TIME EQUIVALENT	ANNUAL SALARY A	% OF TIME ALLOCATED TO GRANT REQUEST B	TOTAL STATE FUNDS REQUESTED (A x B)
Executive Director (ED)	1	\$97,000.00	31.00%	\$ 30,070.00
Senior Immigration Attorney	1	\$84,000.00	50.00%	\$ 42,000.00
Immigration Staff Attorney	1	\$72,500.00	25.00%	\$ 18,125.00
Paralegal	1	\$57,000.00	25.00%	\$ 14,250.00
Engagement & Administrative Coordinator	1	\$50,000.00	40.00%	\$ 20,000.00
				\$ -
				\$ -
				\$ -
TOTAL:				124,445.00
JUSTIFICATION/COMMENTS JUSTIFICATION/COMMENTS:				
The ED, Engagement & Admin Coordinator, and legal services team (immigration attorneys, paralegal) positions are all full-time, but we are requesting 50% or less of their salaries be funded by State GIA because TLC is requesting support from other sources for these positions in FY2024				

BUDGET JUSTIFICATION - EQUIPMENT AND MOTOR VEHICLES

Period: July 1, 2023 to June 30, 2024

Applicant: The Legal Clinic

DESCRIPTION EQUIPMENT	NO. OF ITEMS	COST PER ITEM	TOTAL COST	TOTAL BUDGETED
N/A			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
TOTAL:				0
JUSTIFICATION/COMMENTS:				

DESCRIPTION OF MOTOR VEHICLE	NO. OF VEHICLES	COST PER VEHICLE	TOTAL COST	TOTAL BUDGETED
N/A			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
TOTAL:				0
JUSTIFICATION/COMMENTS:				

BUDGET JUSTIFICATION - CAPITAL PROJECT DETAILS

Period: July 1, 2023 to June 30, 2024

Applicant: The Legal Clinic

FUNDING AMOUNT REQUESTED						
TOTAL PROJECT COST	ALL SOURCES OF FUNDS RECEIVED IN PRIOR YEARS		STATE FUNDS REQUESTED	OTHER SOURCES OF FUNDS REQUESTED	FUNDING REQUIRED IN SUCCEEDING YEARS	
	FY: 2021-2022	FY: 2022-2023	FY:2023-2024	FY:2023-2024	FY:2024-2025	FY:2025-2026
PLANS						
LAND ACQUISITION						
DESIGN						
CONSTRUCTION						
EQUIPMENT						
TOTAL:						0
JUSTIFICATION/COMMENTS:						

GOVERNMENT CONTRACTS, GRANTS, AND / OR GRANTS IN AID

Applicant: The Legal Clinic

Contracts Total: 210,000

	CONTRACT DESCRIPTION	EFFECTIVE DATES	AGENCY	GOVERNMENT ENTITY (U.S./State/Hawaii/ Honolulu/ Kauai/ Maui County)	CONTRACT VALUE
1	State of Hawai'i Judiciary (Indigent Legal Assistance Fund)- administered by Hawai'i Justice Foundation. Pending - not secured. Amount is estimated (based on ILAF formula)	7/1/23-6/30/24	Judiciary	State of Hawai'i	25,000
3	Hawai'i Justice Foundation - IOLTA fund (awarded)	4/1/23-3/31/24	Hawai'i State Bar /HJF Fdtn	State of Hawai'i	60,000
4	City & County of Honolulu - Grant-in-Aid (requested, pending)	11/1/23-10/31/24	Dept. Of Community Svcs	City & County of Honolulu	125,000
5					
6					
7					
8	* TLC has been awarded a State GIA FY23 grant of \$140k, but contracting has not been completed due to legislative hold-up. These funds may overlap with FY24 once released.	TBD, contract pending	Office of Community Svcs	State of Hawai'i	
9					

LETTERS OF SUPPORT

JAMES S. TABE
STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPEALS SECTION
TEL. No. 586-2080

DISTRICT COURT SECTION
TEL. No. 586-2100

FAMILY COURT SECTION
TEL. No. 586-2300

FELONY SECTION
TEL. No. 586-2200

FAX (808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

LEE S. HAYAKAWA
ASSISTANT
PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWA STREET, STE 201
HILO, HAWAII 96720
TEL. NO. 974-4571
FAX NO. 974-4574

KONA OFFICE
81-948 WAENA OIHANA LOOP, STE 110
KEALAKEKUA, HAWAII 96750
TEL. NO. 323-7562
FAX NO. 323-7565

KAUAI OFFICE
3060 EWA STREET, ROOM 206
LIHUE, HAWAII 96766
TEL. NO. 274-3418
FAX NO. 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. 984-5018
FAX NO. 984-5022

January 17, 2023

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means (Rm 208)
State Capitol
415 S. Beretania Street
Honolulu, HI 96813
ATTN: GIA

RE: Application by The Legal Clinic for 2023 State Grant in Aid (GIA) Funds

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

I am pleased to write this letter in support of **The Legal Clinic (TLC)**, which is seeking funding from 2023 State Grant in Aid (GIA) funds.

In short, **TLC** has been a godsend for the Office of the Public Defender. In 2010, the United States Supreme Court decided *Padilla v. Commonwealth of Kentucky*, 559 U.S. 356 (2010). *Padilla* significantly expanded the ethical duties and responsibilities of criminal defense counsel representing non-citizen clients, requiring that criminal defense counsel were responsible for advising non-citizen clients of potential effects of a criminal conviction on their immigration status. Criminal defense attorneys quickly realized 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. Many criminal defense organizations across the country were in a panic on how to meet the demands of *Padilla*.

The Office of the Public Defender, without a position or a budget to hire an immigration specialist, was in a similar panic. **TLC** was the answer to our prayers – **TLC** assists the Office of the Public Defender with our clients that are concurrently experiencing immigration issues as a result of their criminal case. **TLC** advises our attorneys on immigration-friendly plea deals, safe havens, and the various forms of relief available to our clients. **TLC** informs us of the dangers of certain charges and certain pleas. The help and advice that we have received from **TLC** has made an enormous difference in the lives of our clients, and the lives of our clients' families. I can attest to the fact that **TLC** is fulfilling its mission to restore hope, dignity, and justice for low-income immigrants through high-quality immigration legal services, education and advocacy.

It is estimated that in Hawai'i, more than 90,000 immigrants do not yet have U.S. citizenship – of which approximately 40,000 may be undocumented. Many of the undocumented residents of Hawai'i are hard-working contributors to our economy but earn below poverty-level wages and can't afford private immigration legal services. Yet adjustment of their immigration status could mean the difference between family security and separation, work authorization and unemployment, and the right to vote or not.

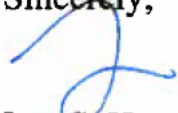
There are only a handful of qualified immigration attorneys in Hawai'i who provide pro bono services for our most vulnerable foreign-born residents. **TLC** is providing these services year-round, as well as educating the public on immigrant rights and advocating for fair immigration policies.

Since **TLC** opened its doors in 2019, I have observed the tremendous contributions its board, staff and volunteers have made in the community—especially through citizenship (naturalization) workshops and direct client assistance with legal services.

Thank you for considering an investment in the very important work of this organization.

Should you have any questions, please do not hesitate to contact me by telephone at 808-586-2208 or by e-mail at lee.s.hayakawa@hawaii.gov.

Sincerely,



Lee S. Hayakawa
Assistant Public Defender

JAMES S. TABE
STATE PUBLIC DEFENDER

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1130 NORTH NIMITZ HIGHWAY
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TEL. No. 984-5018
FAX No. 984-5022

January 17, 2023

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair
House of Representatives Committee on Finance (Rm 306)
State Capitol
415 S. Beretania Street
Honolulu, HI 96813
ATTN: GIA

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Sincerely,



Lee S. Hayakawa
Assistant Public Defender