



The Judiciary, State of Hawaii

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Friday, February 7, 2025, 2:05 p.m.

State Capitol, Conference Room 325 & Via Videoconference

By:

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 438, H.D. 1, Relating to Due Process Protection

Purpose: Establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

Judiciary's Position:

The Judiciary offers the following comments on House Bill No. 435, H.D. 1.

The Judiciary supports the intent of this measure, which is to establish a program to provide legal representation to individuals in immigration-related proceedings in immigration court. This measure, as amended, calls upon the Judiciary to contract with entities for the implementation and operation of the envisioned program. This role would be similar to the Judiciary's administration of legislative funding for general civil legal services or mediation services under Act 202 (2024), which we currently administer through a Request-for-Proposal process.

We respectfully request that any appropriation provided not supplant the Judiciary's existing funding or budget requests.

Thank you for the opportunity to testify on this measure.



**OAHU FILIPINO COMMUNITY COUNCIL
Honolulu, Hawaii**

February 7, 2025

Testimony in Support of HB438: Relating to the Due Process in Immigration Proceedings Program

To: Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs

From: Oahu Filipino Community Council

Date: February 7, 2025, 2:05 p.m.

Re: HB438: Relating to the Due Process in Immigration Proceedings Program

Position: Strong Support

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs,

The Oahu Filipino Community Council strongly supports HB438, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court. This bill also appropriates funds to support the program.

Key Points

1. **Legal Representation:** HB438 ensures that individuals in immigration-related proceedings have access to legal representation, promoting fairness and due process in the immigration system.
2. **Community Support:** The program will offer free legal representation to Hawaii residents with incomes at or below 250% of the federal poverty level, with priority given to detained individuals, those at risk of deportation, or those in vulnerable immigration situations.

3. **Cultural and Linguistic Appropriateness:** The judiciary will be authorized to contract with nonprofit organizations and legal service providers to deliver culturally and linguistically appropriate legal services, including help with deportation defense, asylum applications, and other immigration relief processes.
4. **Community Outreach and Data Collection:** The program will conduct community outreach, collect and report data on case outcomes while maintaining confidentiality, and submit an annual report to the legislature detailing the number of individuals served, types of cases handled, case outcomes, and pending case lengths.
5. **Funding:** An appropriation will be made from general state revenues to fund the program's establishment and administration for fiscal years 2025-2026 and 2026-2027, ensuring the program's sustainability and effectiveness.

Arguments in Favor

1. **Ensuring Due Process:** By providing legal representation, HB438 ensures that individuals in immigration proceedings receive fair treatment and due process, which is fundamental to the justice system.
2. **Promoting Family Unity:** The program helps to promote family unity by providing legal support to individuals facing deportation, which can have significant impacts on families and communities.
3. **Community Stability:** By supporting immigrants through legal representation, the program contributes to community stability and economic security, benefiting the broader society.
4. **Cultural Sensitivity:** The program's focus on culturally and linguistically appropriate services ensures that immigrants receive the support they need in a manner that respects their backgrounds and experiences.

Conclusion

The Oahu Filipino Community Council urges the Committee to support HB438. This bill represents a significant step toward ensuring due process, promoting family unity, and supporting community stability for immigrants in Hawaii.

Mahalo for considering our testimony.

Sincerely,

Melodie Aduja
Chair, Social Action Committee
Director, Oahu Filipino Community Council



Committee on Judiciary and Hawaiian Affairs
Chair David Tarnas, Vice Chair Mahina Poepoe

Friday, February 7, 2025 2:05 pm
HB438, HD1-Relating to Due Process Protections

TESTIMONY

Judith Wong, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii supports bill number HB438, HD1, relating to due process protections. The League supports due process for all persons, including the right to a fair hearing, right to counsel, right of appeal and the right to humane treatment. The League does not support deporting immigrants who have no history of major and/or violent criminal activity.

Hawaii is home to many immigrant and mixed-status families who live, work and contribute to the welfare of the citizens of the state. Many individuals may be facing deportation or other immigration-related proceedings in the coming years in a complex and costly process. Often, they do not have the resources, the legal training or even the language skills to properly respond in these hearings.

HB816 would establish a due process in immigration proceedings program that would provide legal representation for immigrants who are residents of Hawaii and meet certain financial requirements. This would provide Hawaii immigrants with needed support to navigate the complex legal issues of immigration policy. The resources provided by this bill would assist those individuals to receive due process and continue to be contributing members of society.

Thank you for the opportunity to submit testimony.

HB-438-HD-1

Submitted on: 2/5/2025 9:13:25 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
amy agbayani	hawai'i friends of civil rights	Support	In Person

Comments:

Testimony in support of HB 438 HD!

Amy Agbayani and Patricia McManaman, co-chairs Hawai'i Friends of Civil Rights

The US percentage of foreign born is 14%. According to U.S. Census figures for 2014-2018, over 18% of Hawai'i's population consists of first- generation immigrants or migrants (260,000 in total). That's one out of five residents in our state. Immigrants reside in all counties/islands: Oahu 75%, Maui 12%, Hawaii 7%, and Kauai 5%. Immigrants from the Philippines represent the largest country of origin group, making up nearly half—or 45.8 percent—of all immigrants in Hawai'i. However, more recent immigrant groups such as Mexicans, Vietnamese, and Micronesians also make up sizeable shares of the foreign-born population.

U.S. citizens are protected by many laws and practices . Without the rights and protections of full citizenship, non-citizens are vulnerable to potential abuse, discrimination, and uncertainty, particularly in the face of recent restrictions added to federal immigration policies and practices. Immigrants who seek legal status—to which they may be entitled—frequently lack the financial means or English language proficiency needed to secure legal status.^[L]_[SEP]

A majority (58%) of Hawai'i's foreign born residents are naturalized citizens. However, an estimated 54,000 are lawful permanent residents (“Green Card” holders) and eligible to apply for naturalized citizenship but may need assistance in doing so. Another estimated 45,000 or more are believed to be undocumented or under-documented. These include residents who are seeking asylum, individuals who have overstayed their visas, and those with so-called DACA (Deferred Action for Childhood Arrivals) status. Many of these individuals may be entitled to legal protections but are vulnerable and could be reluctant to seek help.

While a high majority of immigrants (77%) in Hawai'i report speaking English “well” or “very well,” there remains a large number for whom English proficiency will present a potential obstacle. According to the Hawai'i Department of Business, Economic Development and Tourism (DBEDT), more than 130 different languages are spoken among Hawai'i's immigrants, and one in four residents of the State speak a language other than English at home. A 2016 Hawai'i State report found that speakers of a non-English language typically earn 10% to 34% less than English-only speakers for all proficiency levels (Hawai'i DBEDT, April 2016).

Most commonly spoken statewide are Tagalog (>58,000), Japanese (>54,000), Ilocano (>45,000), Spanish (>25,000), and Hawai'i an (>18,000).

The new administrations Executive Orders and call for mass deportation of undocumented persons, terminating refugee and assylum application and other anti-immigrant policies makes legal representation needed more. There is an urgent need in Hawai'i for accessible and affordable legal counsel and related services for low-income immigrant residents seeking assistance on immigration matters. For those whose English proficiency is limited, lack of access to interpreters or translated documents can also be a barrier. Awareness of immigrant rights and protections is limited, and the need for public education is essential. The process of applying for U.S. citizenship or for other changes to one's immigration status is extraordinarily complex, While some immigrants might require only brief service for routine matters, many have difficult, multi-layered cases that require extended advice and counsel. Immigrants need legal representation in deportation and asylum defense, sponsorship of family members to immigrate, naturalized citizenship or legal residency. Some have tried unsuccessfully in the past to secure their change in status but may have not been able to due to lack of expert legal advice and/or the complexity of their matters. Complexities are staggering for those facing both criminal charges and immigration court issues, and some cases require lengthy and demanding involvement. Additionally, there is no presumptive right to defense counsel in immigration matters, meaning that individuals who cannot afford attorney fees may face detention, deportation, or denial of citizenship benefits without legal representation and assistance to tackle complex application procedures. Legal counsel is not only expensive, but also hard to come by, as there are few practicing immigration attorneys in Hawai'i.

Expert legal representation increases the chances of protecting immigrant rights and securing a positive outcome. Nationwide, according to the American Immigration Council, immigrants who are petitioning for U.S. legal status and who have an attorney are five times more likely to obtain relief from deportation than those without counsel. In 2016, 90% of those who were denied asylum had no legal representation, vs. 48% denied with legal counsel (Center for American Progress). In 2017, the Immigration Court in Honolulu completed 241 immigration cases with 83 resulting in removal or voluntary departure. Only 37% of all respondents had legal counsel. Other studies have shown that successful petitions for permanent residency or naturalization lead to immigrants being better able to secure good 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.

HFCR stongly supports hb438 which establishes a due process Immigration Proceedings Program within the Judiciary to provide legal represenation to individuals in immigration-related proceedings in immigration courts.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 7, 2025

H.B. 438, H.D. 1 — RELATING TO DUE PROCESS PROTECTION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the intent of H.B. 438, H.D. 1, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

We recognize that our union membership stems from a broad array of cultural and ethnic backgrounds. Furthermore, we recognize that immigrants have played a vital role in Hawaii's labor movement, even dating back to our state's plantation era. An individual's right to due process is a core value that labor unions stand for, particularly in the workplace. Given the drastic and extreme shift in our federal government policy on immigration, we appreciate the intent of this measure which aims to provide legal representation to individuals in immigration-related proceedings in immigration court.

Thank you for the opportunity to provide testimony in support of H.B. 438, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director

HB-438-HD-1

Submitted on: 2/5/2025 1:00:04 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
jessica dias	Free Citizens of Maunalua	Oppose	Written Testimony Only

Comments:

I OPPOSE this bill. The State of Hawaii should spend NOT ONE DIME until Maui is restored in full to the original condition!



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Friday, February 7, 2025, at 2:05pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 438 Relating to Due Process Protections**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i strongly supports H.B. 438 that establishes a program to provide access to legal representation for persons facing immigration court.

Due process of law and fair access to justice are essential to a healthy and functioning justice system, and to fostering public trust in legal outcomes. Given the importance of due process in our legal system, people who are facing the possibility of forced separation from their family, community, and homes should have basic resources to navigate the legal system and to ensure that their case is properly heard.

The ripple effects of deportation are often just as consequential for an individual's life as a criminal proceeding, if not more. Even though such safeguards exist for criminal cases, there is currently no guaranteed right to legal counsel in immigration hearings. The passage of H.B. 438 would remedy this and demonstrate Hawai'i's commitment to upholding justice and due process for all residents, especially our most vulnerable and threatened neighbors.

Providing counsel is also important to ensure that people are not wrongfully deported when they have a valid reason to be in the United States. A national study on immigration counsel found that immigrants who had legal representation were four times more likely to be released from detention when they had a custody hearing and were eleven times more likely to apply for relief from deportation (like asylum). **Those that did seek immigration relief were also twice as likely to obtain it if they had legal representation.**¹

Without the provision of counsel, immigration hearings will become unjustly skewed against low-income people who may qualify for asylum but might have difficulty arguing this before a judge. Immigration law and individual cases are incredibly daunting to face alone, and an individual's success in the courts should not come down to whether or not they can afford a lawyer.

Sincerely,

Nathan Lee
Policy Legislative Fellow, ACLU Hawai'i

C: Carrie Ann Shirota, Policy Director

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.

¹https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf



Statement Before The
Friday, February 7, 2025
2:05 PM
Conference Room 325 & Videoconference

in consideration of
HB438, HD1

RELATING TO DUE PROCESS PROTECTIONS.

Chair TARNAS, Vice Chair POEPOE, and Members of the
House Judiciary and Hawaiian Affairs Committee

The Legal Clinic (TLC) supports HB438, HD1, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court and appropriates funds.

TLC is a Hawai'i nonprofit, nonpartisan organization. TLC is a direct legal services provider, representing those in Hawai'i who meet income eligibility guidelines without regard to immigration status, national origin, ethnic background, race, religion, ideology, gender identity, sexual orientation, age, or disability. TLC works alongside immigrants so they can attain authorization to work and live with dignity, reunite with their families after years of separation and escape horrific violence to find refuge in the United States. TLC recognizes that every person needs and deserves to feel a sense of trust, welcome, and belonging.

According to the 2020 U.S. Census, Hawai'i is the most diverse state in the nation.¹ In 2023, Hawai'i had about 256,000 immigrants, which is approx. 18% of the State population.² The top countries of origin for immigrants were the Philippines (45 percent of immigrants), China (9 percent), Japan (8 percent), Korea (6 percent), and the Pacific Island Nations (4 percent).³

¹ See <https://thehill.com/homenews/state-watch/567625-hawaii-california-and-nevada-are-most-diverse-states-in-the-us-census/> (retrieved 1/14/2025).

² See <https://usafacts.org/answers/how-many-immigrants-are-in-the-us/state/hawaii/> and <https://data.census.gov/profile/Hawaii?g=040XX00US15#populations-and-people> (retrieved 1/14/2025).

³ See https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_hawaii.pdf (retrieved 1/14/2025).

There are between 41,000 -50,500 undocumented immigrants in Hawai'i.⁴ Hawai'i is the only state where undocumented women (55%) outnumber men.⁵

Hawaii's immigrant population primarily work in the agriculture, tourism / hospitality / service, and health industries.⁶ Immigrants (documented and undocumented alike) contribute to Hawaii's economic health and growth. Hawaii's "undocumented immigrants contributed \$157.2 million in state and local taxes in 2022. Their tax contributions could increase to as much as \$194.4 million if they were given official authorization to work. This is also true for the rest of the United States. If all undocumented immigrants in the U.S. had work permits, their tax contributions would rise by \$40.2 billion each year, reaching a total of \$136.9 billion."⁷

The immigration court data show that FY2024 saw a spike in Hawai'i cases – total 915 – with a majority of them being deportation cases.⁸ With the Trump Administration promising to deport immigrants at unprecedented levels, we are expecting a greater surge in Hawai'i immigration court cases. For example, in FY 2008, during Trump's first term, there was a record high of deportation / removals – 447 – issued by Hawaii's Immigration Court.⁹

Hawaii's immigrant population is an integral part of Hawaii's community and are our neighbors, co-workers, and 'ohana. Targeting a significant portion of Hawaii's community in terms of both size and positive economic contributions for deportation or other immigration-related proceedings in immigration court severely destabilizes family units and economic security and results in community volatility and vulnerability.

Individuals in deportation proceedings face permanent separation from their families and their communities, and sometimes life-threatening risks in their countries of origin.

Individuals, some with language difficulty, appear before immigration court, including minors, and are not entitled to government-funded legal representation, leaving them to navigate complex legal systems alone, unless they are able to afford costly counsel or other assistance on their own. Those who are able to obtain costly counsel in immigration court are likely to achieve more favorable outcomes in immigration proceedings, such as relief from deportation or successful asylum applications.

Thus, HB438, HD1, establishing the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in

⁴ See <https://www.civilbeat.org/2024/12/data-dive-hawai%CA%BBi-deportation-cases-hit-quarter-century-high/> (retrieved 1/14/2025).

⁵ See <https://mchb.tvisdata.hrsa.gov/Narratives/Overview/a0ac94c0-8538-417e-85c9-da6ac5c06603> (retrieved 1/14/2025).

⁶ See

https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_hawaii.pdf (retrieved 1/14/2025).

⁷ See How Hawaii's hardworking undocumented immigrants support our economy and communities — Hawai'i Appleseed (retrieved 1/14/2025).

⁸ See <https://www.civilbeat.org/2024/12/data-dive-hawai%CA%BBi-deportation-cases-hit-quarter-century-high/> (retrieved 1/14/2025).

⁹ See <https://www.civilbeat.org/2024/12/data-dive-hawai%CA%BBi-deportation-cases-hit-quarter-century-high/> (retrieved 1/14/2025).

immigration court and appropriating funding, is critical to assuring due process and promoting family unity, community stability, and economic security.

HB438, HD1 is about providing services to people in our communities because it will ensure that our communities are kept together and families are not separated, which will result in economic hardship. HB438, HD1 will provide legal representation to income qualified individuals residing in Hawai'i who are facing immigration-related proceedings in immigration court and is to be administered through the Judiciary.

HB438, HD1 is the fair, right, just thing to do to ensure that people are afforded the necessary protections under the law, families and communities are preserved, and our human rights and dignity are respected.

Thank you for the opportunity to testify in support of HB438, HD1, and TLC respectfully urges the Committee members to pass HB438, HD1 out of your Committee. If you have questions of me, please contact me at sma@tlchawaii.org.

Very respectfully yours,

Sandy Ma

Sandy Ma
Community & Policy Advocate
The Legal Clinic

February 6, 2025

House of Representatives
Thirty-Third Legislature
Regular Session of 2025
House Committee on Judiciary & Hawaiian Affairs

Re: Written Testimony in Support with Comments from William S. Richardson School of Law Refugee & Immigration Law Clinic Advisory Committee for HB 438, HD1, Relating to Due Process Protections

Hearing Date: Friday, February 7, 2025

Time: 2:05 p.m.

Place: Conference Room 325, State Capitol

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The William S. Richardson School of Law Refugee & Immigration Law Clinic ("RILC") Advisory Committee **supports** HB 438, HD1 ("Bill"), and **provides comments requesting amendments** to the Bill that would require entities contracted under the due process in immigration proceedings program to provide, or partner with entities that provide, training and education for law students or legal practitioners, or both, to provide legal representation to individuals in immigration-related proceedings in immigration court (instead of requiring entities to partner with the University of Hawai'i at Mānoa William S. Richardson School of Law).

The Advisory Committee is a group of community volunteers who are committed to actively supporting the critical role and mission of RILC. RILC is the only immigration law clinic in the State that provides both immigration legal services and training for future immigration law attorneys to represent income-eligible non-citizen adults and children residing in Hawai'i in some of the most complex and challenging immigration proceedings. The mission of the RILC is to educate and train law students and attorneys to provide free or low-cost legal representation for asylum, removal defense, and other forms of humanitarian relief. Along with its community partners, including non-profit legal services organizations, RILC is part of a critical network of programs and organizations providing free immigration legal services to some of the most vulnerable, yet underserved and unrepresented, members of our community. We submit this testimony in support of the Bill in our personal or individual capacities.

As the Bill clearly recognizes, Hawai'i is home to a large, diverse population of foreign-born residents. This includes both long-term residents and recent arrivals as well as residents both young, including unaccompanied minors, and old. Despite their diverse stories and backgrounds, these individuals and families share a common need for safety and security that cannot be met in their originating country and for legal representation to achieve that safety and security here in Hawai'i. Unfortunately, many of these residents are without the financial resources to hire an attorney, and there is a disproportionately large population of residents with free or low-cost immigration legal services needs compared to the handful of attorneys providing such services in Hawai'i. This has resulted in a considerable unmet need for free and low-cost immigration legal representation in Hawai'i. Furthermore, the need for immigration legal services

is only expected to increase, given that the policies of the new federal administration are anticipated to result in an increase in the number of removal proceedings and the need for legal representation in those as well as other immigration legal matters such as asylum and other humanitarian relief.

As Advisory Committee members, we have seen firsthand the positive impact that legal representation has had in the outcome of cases--outcomes that are life-altering. Some of us have personally and directly contributed to these life-altering outcomes by serving as pro bono counsel for RILC clients under the guidance of RILC. From our involvement with RILC, what is absolutely clear to us is that building the capacity to meet the overwhelming need for competent and compassionate legal representation begins with educating and training more immigration law attorneys, which includes both students who will hopefully become immigration law attorneys as well as non-immigration attorneys who wish to hone their legal skills and knowledge to meet this need as volunteers.

For the reasons stated above, we support the Bill. In addition, we request that the Bill be amended to require entities contracted to implement and operate the due process in immigration proceedings program to provide, or partner with entities that provide, training and education for law students or legal practitioners, or both, to provide legal representation to individuals in immigration-related proceedings in immigration court (instead of requiring entities to partner with the University of Hawai'i at Mānoa William S. Richardson School of Law). The requested amendment would broaden the available partnership opportunities to any entity that trains and educates law students or legal practitioners and would eliminate redundancy in the Bill by allowing the judiciary to contract directly with a training and education provider. This would allow the Judiciary to maximize the benefits of the program by allowing a broader network of providers and partners to build the necessary capacity to provide free or low-cost legal representation to residents in immigration-related proceedings in immigration court.

We urge the Committee to pass the Bill, with our proposed amendment, and are grateful for this opportunity to submit our written testimony.

Aloha,



Kevin Block

Greg Kim

Corianne Lau

Jan Tamura

Melinda Yamaga

Members, WSRL Refugee & Immigration Law Clinic Advisory Committee
c/o William S. Richardson School of Law
Refugee & Immigration Law Clinic
2584 Dole Street
Honolulu, Hawaii 96822



TESTIMONY
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
HB438 RELATING TO ELECTIONS
Friday, February 7, 2025, at 2:05 PM, State Capitol Conference Room 325

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee

Submitted in STRONG OPPOSITION by Jamie Detwiler, Hawaiian Islands Republican Women.

HB438 states, the legislature also finds that individuals facing deportation or other immigration-related proceedings in immigration court lack the right to government-funded legal representation, leaving them to navigate complex legal systems unless they retain costly counsel or other assistance on their own.

According to U.S. Homeland Security Border Czar, Tom Homan, if anyone or any organizations are knowingly harboring and concealing illegal aliens, that's a violation of Title 8, United States Code 1324.

According to Pam Bondi, U.S. Attorney General, if you are violating Title 8, U.S.C. 1324, you run the risk of losing Federal funding.

This bill is not right. Legal immigration is the right way to pursue citizenship. Illegal immigrants do not need taxpayer funded legal representation.

HB438 proposes to:

- Provide legal representation to individuals in immigration-related proceedings.
- Prioritize services for individuals who are detained, at risk of deportation, and charges pending.
- Partner with community-based organizations.
- Conduct outreach and education.
- Collect and report data on the program's outcomes.

How would these services be paid for? What State agency will provide these services?

HB438 proposes that funds would be appropriated out of the general revenues of the State of Hawaii for the sum of \$\$[blank] or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment and administration of the due process in immigration proceedings program, including funding for legal service providers, outreach efforts, and administrative costs.

If you are in the country illegally, they do not have due process and civil rights protections. They are in the country illegally.

Why are we using general funds for immigrants?

These funds would be better spent on programs for U.S. Citizens such as the homeless, Veterans, and other underserved groups. Many immigrants who are in Hawaii illegally are receiving government benefits such as SNAP and Medicaid. If they are here illegally, they should not be receiving benefits.

This bill is ambiguous and lacks critical details to be seriously considered to pass. We are respectfully asking you to uphold your oath of office. Please vote NO on HB438 to protect the citizens of Hawaii. Thank you for the opportunity to testify.

Respectfully submitted,

Jamie Detwiler, President
Hawaiian Islands Republican Women



HB 438, HD1, RELATING TO DUE PROCESS PROTECTIONS

FEBRUARY 7, 2025 · JHA HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports HB 438, HD1, relating to due process protections, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

Imua Alliance is a victim service provider for survivors of sex trafficking, including numerous migrant survivors. Over the past 15 years, we have provided comprehensive direct intervention (victim rescue) services to over 200 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for services to our organization skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls.

Many of the victims we have assisted have suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma and trauma-coerced attachment can even lead to a complete loss of identity and significant memory loss. Our survivor-clients require a tremendous amount of psychological, medical, and occupational support once outside of the commercial sex industry, as they painstakingly progress toward recovery.

Countless human trafficking survivors are migrants. Our state's migrant survivor population is difficult to estimate, but exceeds 500-1,000 people annually. These individuals are exploited in

local storefront brothels (such as fake massage parlors and relaxation therapy establishments), on local farms, and in our fishing industry, where they are forced to endure inhumane conditions and are stripped of any documentation and identification materials they may have.

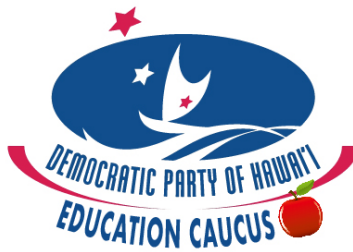
We should provide assistance and a path to citizenship for immigrants, not punishment and fear. According to a report published by the American Immigration Council in 2020, Hawai'i is home to over 266,000 immigrants, including 45,000 thousand undocumented immigrants. As a society, we treasure our immigrant heritage, from which we have developed a legacy of multicultural cooperation and an abiding respect for the limitless value of diversity.

President Donald Trump has signaled his intent to implement a draconian, arbitrary, and cruel system of enforcement when it comes to immigration. Already, immigration raids have been initiated throughout the country, including in our island home. On January 27th, Hawai'i News Now reported that the local office of Homeland Security Investigations posted photos on social media of officers from U.S. Immigration and Customs Enforcement and Drug Enforcement Administration arresting immigrants on our shores. Trump officials have also begun issuing quotas to ICE officers to ramp up arrests, according to the Washington Post.

Advocates and, of course, immigrants themselves—both documented and undocumented—are justifiably concerned about these mass deportation actions. As the American Immigration Council stated in its “After Day One” factsheet: “The initial wave of executive actions scales up a “mass deportation” operation that everyone without legal status in the United States will be highly vulnerable to on the first day these practices go into effect. Indeed, by invoking the registration provision, the Trump administration is threatening to turn all immigrants into criminals by setting them up for the ‘crime’ of failing to register,” which they have no way to do.

From a historical perspective, we are all immigrants. We urge your committee to act with haste to defend the many immigrants who make our communities proud and call the Aloha State home.

Contact us at imuaalliance.org/contact.



HOUSE BILL 438, HD1, RELATING TO DUE PROCESS PROTECTIONS

FEBRUARY 7, 2025 · JHA HEARING

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** HB 438, HD1, relating to due process protections, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

Hawai'i understands the value of immigration and cultural diversity. Our island home—like the United States—is defined by immigration and a legacy of migrant labor that has bestowed upon us a rich social tapestry, multifaceted economy, and an everlasting respect for the principles of democracy and pluralism. As Barack Obama once said, “What makes someone American isn’t just blood or birth, but allegiance to our founding principles and faith in the idea that anyone—from anywhere—can write the next chapter of our story.”

Today, however, we are witnessing a cruel campaign of mass deportation being implemented throughout the country—including in our state—which is undermining the roots of communities in which migrants are celebrated members. Recently, the Trump administration has removed restrictions that prevented Immigration and Customs Enforcement from conducting raids at so-called sensitive locations, including schools (as well as houses of worship and hospitals).

We cannot sit idly by while Donald Trump enacts a campaign of fear against our immigrant neighbors. These actions will not prop up the American economy. On the contrary, immigrant labor is essential to the preservation of our society's financial well-being. Immigrants boost overall economic growth by expanding the labor force and increasing consumer spending. The foreign born also start new businesses at higher rates than U.S.-born individuals. Immigrants were involved in the development of 30 percent of patents in strategic industries in recent years and more than 40 percent of Fortune 500 companies were founded by immigrants.

Higher-than-expected immigration is driving job growth and productivity and *was* projected to continue doing so in the coming years: The Congressional Budget Office (CBO) estimates that a greater level of immigration expected between 2024 and 2034 *could have* boosted gross domestic product (GDP) by \$8.9 trillion. Yet, these gains will be jeopardized by the Trump Administration's inhumane mass deportation actions, which harken back to the race-based policies of the 19th and early 20th Centuries and draw frightening parallels to the policies put in place by violent authoritarian governments throughout history, including the Nazi regime.

Immigrants exist in our neighborhoods, our schools, our workplaces, and all other spaces in our state. They empower our society to thrive, despite the social and political violence with which they are forced to endure. As a state, we have a responsibility to protect their well-being. If we fail, history will remember our complicity in the annihilation of human rights and civil liberties, and our unwillingness to do what is right to preserve the most fundamental tenets of our democracy.

Contact: educationcaucusdph@gmail.com

February 07, 2025

Hawai'i State Legislature
House Committee on Judiciary and Hawaiian Affairs ("JHA")

RE: Testimony in Support with Comments for HB 438 HD 1, RELATING TO DUE PROCESS PROTECTIONS

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the JHA Committee:

On behalf of myself and my two immigration attorney colleagues at the William S. Richardson School of Law Refugee & Immigration Clinic ("RILC"), we submit testimony in our personal capacities in support with a suggested amendment for HB 438 HD 1, which establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in Immigration Court.

About RILC

RILC offers law students an opportunity to work on immigration law cases under the supervision of a licensed immigration attorney. Immigration law is a dynamic area of law that intersects with many issues in contemporary culture and politics. With a Director, two Law Fellows, and 6-10 law students each semester, we provide specialized and high-quality immigration legal services to income-eligible noncitizens in Hawai'i. We focus our efforts on income-eligible clients seeking asylum, removal defense, and other forms of humanitarian relief because these clients often have the most difficulty finding and paying for legal representation.

Our Position on HB 438 HD 1

We support HB 438 HD 1 because from our personal experience as immigration attorneys, we have observed a great need for public interest immigration attorneys to provide free or affordable, high-quality immigration legal services in immigration court. In Hawai'i, foreign-born residents comprise nearly a quarter of its population of 1.4 million and include an estimated 50,000 undocumented residents. Yet, only a dozen lawyers statewide provide free or low-cost immigration legal services to immigrant communities. Of those dozen lawyers, only half work on asylum and removal defense. With this new federal administration and their immigration priorities, we have already seen a dramatic increase in removal proceedings and those being detained for removal. To address this increase, we believe that this legislation will help build the capacity required to provide free or low-cost legal services to the immigration community in Hawai'i.

Suggested Amendment on HB 438 HD 1

As the only immigration law clinic in the State of Hawai'i, we are in a unique position to train law students who are interested in practicing immigration law, especially in the areas of asylum and removal defense. HB 438 HD 1 would build the current capacity for immigration removal

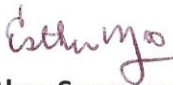
defense in Hawai'i by allowing for the hiring of existing immigration lawyers as well as training law students and pro bono attorneys to do this work. Recently, RILC, in collaboration with the American Immigration Lawyers Association Hawai'i Chapter, created a deportation hotline that provides immediate legal assistance to individuals facing removal proceedings.

We request that the bill be amended to require entities contracted to implement and operate the due process in immigration proceedings program, "to provide training and education for, or partner with entities capable of training and educating, law students and legal practitioners to provide legal representation to individuals in immigration-related proceedings." Currently, HD 1 requires entities to partner with the University of Hawai'i at Mānoa William S. Richardson School of Law. The requested amendment we propose would broaden the available partnership opportunities to any entity that trains and educates law students or legal practitioners and would eliminate redundancy in the bill by allowing the judiciary to contract directly with a training and education provider.

We urge this committee to pass HB 438 HD 1 with our suggested amendment. We believe that amending the legislation to expand the partnership to qualified entities will deliver immediate relief to those in need. We have attached our suggested amendment in this testimony.

Thank you for the opportunity to testify on this measure.

Sincerely,



Esther Sungeun Yoo, Esq.

Director



Stephane Haro Sevilla, Esq.

Post-JD Legal Fellow



Danicole Ramos, Esq.

Equal Justice Works Fellow

Proposed Suggested Amendment

§601- Powers and duties. In the administration of the due process in immigration proceedings program, the judiciary shall ensure that the entities contracted to implement and operate the program:

- (1) Provide legal representation to individuals in immigration-related proceedings in immigration court, including but not limited to deportation defense, asylum applications, and other immigration relief processes;
- (2) Prioritize services for individuals who are detained, at risk of deportation, or otherwise vulnerable due to their immigration status;
- (3) Partner with community-based organizations and legal service providers to ensure culturally and linguistically appropriate services;
- (4) ~~[Partner with the university of Hawaii at Manoa William S. Richardson School of Law in]~~ Provide training and education for, or partner with entities capable of training and educating, law students and legal practitioners to provide legal representation to individuals in immigration-related proceedings in immigration court, including, but not limited to, deportation defense, asylum applications, and other immigration relief processes;
- (5) Conduct outreach and education to inform impacted communities about the availability of legal representation and related resources; and
- (6) Collect and report data on the program's outcomes, including the number of individuals served, types of cases handled, length of time each case has been pending, and success rates, while maintaining confidentiality and protecting sensitive information.



House Committee on Judiciary & Hawaiian Affairs (For Hearing on Feb 7, 2025, 3:05pm)

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Testimony in Support of HB438_HD1

Chair Tarnas, Vice Chair Poepoe, and members of the committee,

UNITE HERE Local 5 represents over 10,000 working people in the hotel, food service and health care industries across Hawaii.

We support HB438_HD1 as it provides due process and legal representation for individuals facing proceedings in immigration court. Due process is a foundation of our court systems. If an individual has a viable claim for their immigration status, but is denied it for lack of representation, then that is a failure of our judicial system.

HB438_HD1 provides eligibility requirements ensuring those with insufficient financial means are given fair trial at court.

We support amendments in HB438_HD1 that explicitly addresses the federal court jurisdiction of immigration cases by clarifying that the state judiciary shall administer funding to entities contracted to implement and operate the program, rather than administer it directly.

The United States is founded on the ideas of freedom. Migration is freedom. The ability to move freely to pursue a better life is freedom. The basic ability to safely leave a place and safely arrive in a new place is freedom of movement. When that freedom is threatened, we must act on our values and protect those people from policies designed to restrict human freedoms.

Hawaii, as a melting pot of immigrants and their descendants, is a beneficiary of that freedom to migrate. Many of our union members are immigrants or children of immigrants, they are the working-class families, friends and neighbors that make up the fabric of our Hawaii communities.

We urge you to pass HB438_HD1.

Thank you for this opportunity to testify.

HB-438-HD-1

Submitted on: 2/6/2025 12:18:53 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	The Hawai'i Democratic Party	Support	Written Testimony Only

Comments:

I support this bill.



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Thirty-Third Legislature
House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii State AFL-CIO

February 7, 2025

TESTIMONY IN SUPPORT OF HB438 HD1 - RELATING TO DUE PROCESS PROTECTIONS

Chair Tarnas, Vice Chair Poepoe, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, ensuring safe working conditions, and supporting policies that strengthen Hawaii's workforce.

We are in support of HB438 HD1, which establishes the Due Process in Immigration Proceedings Program to provide legal representation to immigrants involved in immigration-related proceedings. Federal policies have increased enforcement efforts, leaving many immigrants without legal representation to navigate complex legal processes. Some are stuck in prolonged administrative delays despite being essential contributors to Hawaii's economy. Access to legal assistance helps immigrant workers address their cases fairly and continue supporting industries vital to the state.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Perreira'.

Randy Perreira
President

HB-438-HD-1

Submitted on: 2/4/2025 6:03:45 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and Committee Members,

I oppose HB438 HD1.

Kind regards,

Teri Kia Savaiinaea

District 45, Wai'anae Resident

HB-438-HD-1

Submitted on: 2/4/2025 7:16:21 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438

HB-438-HD-1

Submitted on: 2/4/2025 7:26:33 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kirk Powles	Individual	Oppose	Written Testimony Only

Comments:

When does an illegal immigrant become a criminal? When they enter our country illegally regardless of there reasons.

Our land, our jobs for our people.

HB-438-HD-1

Submitted on: 2/4/2025 7:32:56 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Matos	Individual	Oppose	Written Testimony Only

Comments:

I DO NOT want my tax dollars funding immigration lawyers for immigrants who came to the USA illegally. I have moved and lived outside of the USA and it is not easy. They certainly do not support you in the way we have been supporting illegal immigrants here. The homeless and drug problem in Hawaii is far more important to put money towards than this cause. I strongly oppose this bill.

HB-438-HD-1

Submitted on: 2/4/2025 7:40:56 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

In STRONG SUPPORT of HB 438 HD1.
Aloha Chair and members of the Committee,
Please vote YES on this measure.
Nancy Moser in Waikoloa on Hawai'i Island

HB-438-HD-1

Submitted on: 2/4/2025 7:41:07 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
James K. Rzonca	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-438-HD-1

Submitted on: 2/4/2025 7:46:42 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Mejia	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB438. I do not want my tax dollars used to fund immigration court battles.

HB-438-HD-1

Submitted on: 2/4/2025 7:54:20 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie A Carter	Individual	Oppose	Written Testimony Only

Comments:

Opposed

HB-438-HD-1

Submitted on: 2/4/2025 7:54:46 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharee Orr	Individual	Oppose	Written Testimony Only

Comments:

There is a proper immigration process that illegal aliens need to follow. They don't deserve to utilize taxpayer funds because they entered illegally.

HB-438-HD-1

Submitted on: 2/4/2025 8:10:47 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I strongly oppose this measure, it is a waste of taxpayer dollars, mahalo.

HB-438-HD-1

Submitted on: 2/4/2025 8:21:22 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald Yanito	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Committee,

Thank you for the opportunity to share my thoughts on HB438. While I fully appreciate the goal of ensuring due process and supporting vulnerable individuals facing immigration-related proceedings, I respectfully oppose this bill in its current form for the following reasons:

1. Fiscal Impact and Budget Concerns

Establishing a new state-funded program and committing significant resources during fiscally challenging times raises concerns. The proposed appropriation for the Due Process in Immigration Proceedings Program may stretch limited state funds further, potentially impacting other critical services. Before committing to this financial obligation, it would be wise to assess whether reallocating or bolstering existing legal aid initiatives could achieve similar outcomes without additional administrative costs.

2. Overlap with Existing Services

Hawaii benefits from a robust network of nonprofit organizations that are already providing legal assistance to immigrants. For example:

- **Legal Aid Society of Hawaii:** This organization has a longstanding history of delivering pro bono legal services to low-income residents, including those facing immigration challenges.
- **Catholic Charities Hawaii:** Known for its comprehensive social services, this NGO offers immigration legal assistance alongside support for housing, employment, and family services.
- **Immigrant Justice Center:** Specializing in immigration law, this center provides targeted legal advice and representation to individuals and families navigating the complexities of immigration court proceedings.

The creation of a new state-run program risks duplicating the efforts of these well-established organizations. Rather than layering an additional administrative structure, efforts might be better directed toward enhancing coordination and capacity among these existing NGOs, ensuring that resources are utilized efficiently and effectively.

3. Administrative and Implementation Complexities

Delegating the program’s administration to the judiciary and requiring contracts with various

entities introduces layers of complexity. These additional administrative steps could delay service delivery to those in need and create bureaucratic hurdles that diminish the program's intended impact. A careful review of the implementation strategy is necessary to ensure that the program operates efficiently and meets its stated objectives without undermining the work of existing legal service providers.

4. Uncertainty of Measurable Outcomes

While the bill emphasizes the importance of data collection and reporting, there remains uncertainty about how quickly and effectively the program will translate funding into tangible benefits for affected individuals. Without robust pilot programs or detailed evidence of successful outcomes from similar initiatives, the expected benefits might not justify the financial and administrative investment.

In summary, while the intent behind HB438 is commendable, I urge the legislature to reconsider the approach. Strengthening partnerships with established organizations such as the Legal Aid Society of Hawaii, Catholic Charities Hawaii, and the Immigrant Justice Center could provide a more targeted and efficient solution. Enhancing existing services and coordination among these NGOs might better address the needs of individuals facing immigration-related proceedings without incurring the risks and potential inefficiencies of a new state program.

Thank you for your time and consideration.

Sincerely,
Donald Yanito-Duncan

HB-438-HD-1

Submitted on: 2/4/2025 9:33:57 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Daugherty	Individual	Oppose	Written Testimony Only

Comments:

I wish to express my opposition to HB438 HD1 relating to due process protections. I do not want my tax dollars funding immigration lawyers for immigrants. Kill this bill. Thank you.

HB-438-HD-1

Submitted on: 2/4/2025 9:54:32 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I appose this Bill! Why should the tax payers pay for a lawyer for an illegal immigrant!

Stealing \$\$ from the people to support an illegal immigrant is another form of corruption!!!
Senseless!

HB-438-HD-1

Submitted on: 2/4/2025 9:58:41 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Tekurio	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438 because you are proposing to appropriate tax money to provide a benefit to only certain people that, hopefully, reside in Hawaii. There are many that can use FREE legal services in Hawaii, not just a unique subset of the population. Additionally, you say they will need to be a resident, but how will you define the resident? Will it be as strict as it is to get a Hawaii Drivers License or as easy as getting SNAP where you just have to mark the right box on the form. In addition, the requirements include the caveat that "an exception may be made for individuals facing extraordinary circumstances" without defining an extraordinary circumstance.

Please vote no on this bill.

Thank you,

Lisa Tekurio

HB-438-HD-1

Submitted on: 2/4/2025 10:12:10 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

No

HB-438-HD-1

Submitted on: 2/4/2025 10:38:50 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this Bill which would use my tax dollars to provide legal representation for illegal aliens which are criminal by definition. We need to put legal citizens and resident of Hawaii first! I urge all members of the Committee to **VOTE NO** on this Bill.

HB-438-HD-1

Submitted on: 2/5/2025 12:20:37 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Written Testimony Only

Comments:

I do not support HB438 HD1.

The State of Hawaii should not provide legal representation to illegal aliens at the cost of our taxpayers. They are here in the state and in our country as an "illegal" immigrant. They do not have the same rights as legal U.S. Citizens.

Gregory Misakian

HB-438-HD-1

Submitted on: 2/5/2025 2:33:09 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mahealani Bernal	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438.

HB-438-HD-1

Submitted on: 2/5/2025 7:06:54 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I am writing in support of HB438. Many remember the stories from the first Trump Administration of little children in court on their own. Expected to mount a defense against their removal without even an adult by their side. Unfortunately, this happens all too often. Immigrants end up in immigration court alone, unable to understand the language, without any legal training, and facing an ICE prosecutor and judge. It is almost inconceivable that anyone would be successful in arguing their case in these circumstances. It is laughable to consider the outcomes of these cases justice when the process is so unjust.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With additional funding more legal service organizations can staff additional attorneys and paralegals to ensure that more residents, many of whom have a viable pathway to lawful status, could fight their case in a fair and dignified way.

I urge you to support this bill. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case. No one should be taken from their place of refuge or asylum, either.

Thank you for your support and consideration,

Noelle Lindenmann, Kailua-Kona

HB-438-HD-1

Submitted on: 2/5/2025 7:15:51 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealohi Hanohano	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-438-HD-1

Submitted on: 2/5/2025 7:24:22 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I strongly Oppose Bill HB438

HB-438-HD-1

Submitted on: 2/5/2025 7:27:15 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
karen Mountain	Individual	Oppose	Written Testimony Only

Comments:

I am not understanding why we continue to support/fund illegal aliens. Our tax dollars are or should be collected to pay for teachers, roads, safety/protection and other necessities of American citizens. I do not believe, providing people legal representation advances our communities. If someone is not a citizen of our country, they should pay their own expenses. If they cannot, deport them until they can. Mahalo

HB-438-HD-1

Submitted on: 2/5/2025 7:37:04 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Elyse Scott	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case.

HB-438-HD-1

Submitted on: 2/5/2025 7:44:28 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Teresa Parsons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and members of the Judiciary committee,

I stand in strong support for HB 438 and I urge you to vote in favor of this bill to ensure due process and protections.

Mahalo for allowing me to testify on this matter.

HB-438-HD-1

Submitted on: 2/5/2025 7:50:58 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Judy McCluskey	Individual	Support	Written Testimony Only

Comments:

HB438 has my strong support.

HB-438-HD-1

Submitted on: 2/5/2025 8:09:47 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Constance	Individual	Support	Written Testimony Only

Comments:

I am in support of HB438. I urge you pass this bill

HB-438-HD-1

Submitted on: 2/5/2025 8:12:53 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I am writing in support of HB438. Many remember the stories from the first Trump Administration of little children in court on their own. Expected to mount a defense against their removal without even an adult by their side. Unfortunately, this happens all too often. Immigrants end up in immigration court alone, unable to understand the language, without any legal training, and facing an ICE prosecutor and judge. It is almost inconceivable that anyone would be successful in arguing their case in these circumstances. It is laughable to consider the outcomes of these cases justice when the process is so unjust.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With additional funding more legal service organizations can staff additional attorneys and paralegals to ensure that more residents, many of whom have a viable pathway to lawful status, could fight their case in a fair and dignified way.

I urge you to support this bill. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case.

Thank you for your support and consideration,

Jennifer Lum, 'Ewa Beach

HB-438-HD-1

Submitted on: 2/5/2025 8:25:30 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure

HB-438-HD-1

Submitted on: 2/5/2025 8:28:59 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Carr	Individual	Support	Written Testimony Only

Comments:

I support establishing the Due Process in Immigration Proceedings Program within the Judiciary. Let's get the funding to the program so it can actually be implemented and immigrants have a stronger legal defense against Trump's xenophobic attacks.

HB-438-HD-1

Submitted on: 2/5/2025 8:40:41 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

This is urgent. Must pass now!

HB-438-HD-1

Submitted on: 2/5/2025 9:23:05 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I am writing in support of this measure. Many remember the stories from the first Trump Administration of little children in court on their own. Expected to mount a defense against their removal without even an adult by their side. Immigrants end up in immigration court alone, unable to understand the language, without any legal training, and facing an ICE prosecutor and judge. It is almost inconceivable that anyone would be successful in arguing their case in these circumstances.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With additional funding more legal service organizations can staff additional attorneys and paralegals to ensure that more residents, many of whom have a viable pathway to lawful status, could fight their case in a fair and dignified way.

I urge you to support this bill. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case.

HB-438-HD-1

Submitted on: 2/5/2025 9:52:57 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Morgan	Individual	Support	Written Testimony Only

Comments:

I support this measure. Families should not be ripped apart because individuals cannot pay for a private attorney to fight their case.

I want immigrants in Hawaii to be protected from cruelty by Trump, the convicted felon's, administration.

HB-438-HD-1

Submitted on: 2/5/2025 10:23:55 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Chavez-Pardini	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case. We must not forget our commitment to human rights just when we are being bombarded with bullying and fear!

Mahalo,

Michele Chavez-Pardini

HB-438-HD-1

Submitted on: 2/5/2025 10:25:06 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Quintana	Individual	Oppose	Written Testimony Only

Comments:

I oppose using tax dollars to fund immigration lawyers. People should hold themselves responsible for acquiring their own lawyers. My husband paid thousands of dollars worth of fees in order to be in this country legally. I worked overtime to help him pay. Now illegal immigrants will get to cut in line. This is a slap in the face to those who followed the law.

HB-438-HD-1

Submitted on: 2/5/2025 10:52:37 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert A Marks	Individual	Support	Written Testimony Only

Comments:

Chair and members:

please support this measure. Immigrants deserve due process.

thank you.

HB-438-HD-1

Submitted on: 2/5/2025 10:59:34 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Ma	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case

HB-438-HD-1

Submitted on: 2/5/2025 11:03:07 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mimi Beams	Individual	Support	Written Testimony Only

Comments:

“I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case” . We need to stick together and protect our neighbors and friends. thankyou

HB-438-HD-1

Submitted on: 2/5/2025 11:10:09 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Marty-Jean Bender	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case

HB-438-HD-1

Submitted on: 2/5/2025 11:48:30 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
L.C.	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438. I don't want my hard earned tax dollars paying for legal fees for immigrants who are facing deportation because they broke the law by being here illegally or otherwise did something that would justify deportation. If they cannot fund their own legal fees they shouldn't be here.

HB-438-HD-1

Submitted on: 2/5/2025 11:55:46 AM

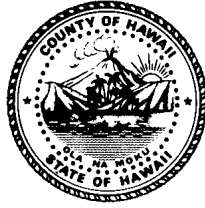
Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Maxym	Individual	Support	Written Testimony Only

Comments:

“I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case”

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 5, 2025
TO: House Committee on Judiciary & Hawaiian Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 438

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

I am writing in **support** of HB 438. This bill establishes due process in the Immigration Proceedings Program within the judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

It is difficult to forget the stories from the first Trump Administration of [children in court on their own during immigration proceedings](#), expected to mount a defense against their deportation without an adult by their side. Unfortunately, this happens all too often. Immigrants end up in immigration court alone, unable to understand the language, without any legal training, and facing an ICE prosecutor and judge. It is almost inconceivable that anyone would be successful in arguing their case in these circumstances.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With additional funding more legal service organizations can staff additional attorneys and paralegals to ensure that more residents, many of whom have a viable pathway to lawful status, could fight their case in a fair and dignified way. Our overburdened courts and prosecuting attorney's office would greatly benefit from this additional support.

I urge you to support HB 438. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case.

Thank you for your support and consideration.

Mahalo,

Jenn Kagiwada

HB-438-HD-1

Submitted on: 2/5/2025 12:23:19 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
DeWaine Tollefsrud	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case! We are better than this!

HB-438-HD-1

Submitted on: 2/5/2025 12:31:24 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Doug Pasnik	Individual	Oppose	Written Testimony Only

Comments:

TESTIMONY IN OPPOSITION TO HB438 HD1

It is deeply ironic that the State of Hawaii, which was itself overthrown by foreign settlers and corporate interests in 1893, now seeks to prioritize the rights of immigrants while Native Hawaiians remain displaced on their own land. The Native Hawaiian people have endured systematic land loss, economic marginalization, and cultural suppression, yet state resources continue to be diverted to populations that arrived after the illegal annexation of the Hawaiian Kingdom.

HISTORICAL CONTEXT: DISPLACEMENT OF NATIVE HAWAIIANS

The Hawaiian Kingdom was once a sovereign, independent nation. It was forcibly overthrown by a group of foreign businessmen—many of whom were descendants of immigrants—who sought economic and political control. This coup, backed by the U.S. military, led to the illegal annexation of Hawaii in 1898, despite strong opposition from the Hawaiian people.

Today, Native Hawaiians face disproportionate levels of homelessness, poverty, and land dispossession, while programs meant to restore Native Hawaiian rights remain underfunded and under-prioritized. Yet, this bill proposes using state taxpayer dollars to provide legal representation to new immigrants—many of whom, like the foreign settlers before them, will secure legal status and political power at the expense of the original people of this land.

WHY HB438 HD1 IS MISPLACED PRIORITY

The State Owes a Higher Duty to Native Hawaiians Before Funding Immigration Legal Defense

- The state should first address the legal, economic, and land issues faced by Native Hawaiians before allocating funding to new immigrant protections.
- The Hawaiian Homes Commission Act (HHCA) and the Office of Hawaiian Affairs (OHA) remain severely underfunded, while this bill proposes funding legal aid for non-citizens.

This Bill Does Not Address Native Hawaiians Who Are Themselves Disproportionately Impacted by the Legal System

- Native Hawaiians make up a significant percentage of Hawaii's incarcerated population and face systemic discrimination in the legal system.
- Where is the state-funded legal representation for Native Hawaiians facing unfair incarceration, land disputes, or housing displacement?

Immigration to Hawaii Has Historically Led to the Marginalization of Native Hawaiians

- The influx of immigrants during the plantation era fundamentally altered the demographics of Hawaii, pushing Native Hawaiians into economic and political minority status.
- Modern immigration continues to raise housing prices, increase competition for resources, and contribute to the cultural erasure of the Native Hawaiian people.
- It is deeply unjust to use state resources to ensure immigrants remain in Hawaii while Native Hawaiians continue to be pushed out of their ancestral lands.

ALTERNATIVE PROPOSAL

Instead of passing HB438 HD1, I urge the legislature to:

- Redirect state legal aid funding to support Native Hawaiian legal services, including land disputes, wrongful incarceration, and sovereignty-related legal battles.
- Fund initiatives that prioritize Native Hawaiians facing housing and economic instability over non-citizen legal defense.
- Require that any immigration legal aid program also serve Native Hawaiians who face legal issues related to sovereignty, land rights, and systemic injustice.

CONCLUSION

It is undeniable that immigrants face challenges in Hawaii. However, the Native Hawaiian people are the original displaced population, and any effort to provide legal protections should begin with them. Until the state fully addresses the lasting consequences of the illegal overthrow of the Hawaiian Kingdom, it is unacceptable to allocate funds to protect non-citizens before prioritizing the well-being of Native Hawaiians.

For these reasons, I respectfully urge this committee to oppose HB438 HD1 in its current form.

Mahalo for your time and consideration.

HB-438-HD-1

Submitted on: 2/5/2025 1:22:58 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlene Thom	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case. There are children and parents still separated from the horrific policy of family separation carried out by the previous Trump administration.

Families should never be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars necessary to pay a private attorney to fight their case. I strongly urge you to support this bill and show the world that Hawaii is a haven where immigrants are welcome and have rights.

Thank you for your support and consideration.

Marlene Thom

House Committee on Judiciary and Hawaiian Affairs
Friday, February 7, 2025 at 2:05 pm
VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

RE: SUPPORT - HB 438 HD1, RELATING TO DUE PROCESS PROTECTIONS.

Aloha Chair Tarnas, Vice Chair Poepoe, Maui Rep. Cochran, and Members of the Committee,

I am writing today in strong SUPPORT of HB438HD1. As a member of the Hawai'i State Bar since 1999, I was shocked to recently learn that there is a backlog of over 1.9 million cases before immigration courts in the U.S., and that 47% of unaccompanied minor immigrant children have no legal representation before immigration courts. Here in Hawai'i, we have an estimated 50,000 undocumented immigrants in need of free or low-cost immigration legal services, and only about twelve attorneys statewide to serve them. Given the current climate, with immigration enforcement actions being undertaken nationwide, the need for these services is expected to increase. The proposed bill will help us as a community uphold our values and our respect for our immigrant communities by providing due process protections.

I support the amendments of HD1 recommended by HSCR122 to have the proposed program by implemented entities contracted to run the program, that it be done so in partnership with my alma mater, William S. Richardson School of Law, and that \$750,000 be appropriated to fund the program.

I humbly request that you please pass HB438 HD1.

Mahalo,

Christine L. Andrews, J.D.
Wailuku, Maui, Hawaii

HB-438-HD-1

Submitted on: 2/5/2025 3:21:17 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Diaz	Individual	Support	Written Testimony Only

Comments:

2/5/5/2025

To: Representative Greggor Ilagan, Chair & Representative Hussey, Vice Chair

RE: PLEASE SUPPORT HB 438

Aloha Chair/Rep. Ilagan, Vice Chair/Rep. Hussey, and Committee Members,

I strongly support HB438. As a Hawai'i resident for 27 years & retired, 20-yr, Hawai'i Island Secondary Teacher in the Kealakehe Complex, I have assisted many hard-working immigrant families, who fled homelands to escape violence and poverty. I am a grandchild of immigrants, and help advocate for immigrants, from all lands, on our Big Island.

I am very concerned that immigrant families in Hawai'i will again be torn apart, as unjust, inhumane practices are put in place by the current White House, & Homeland Security Chief. I remember the horrible, unjust, discriminatory treatment of immigrants from the first Trump Administration. Young children & babies- not able to speak- were taken from parents' arms and separated. These innocent children appeared before immigration court without proper representation- they could not yet speak for themselves. These very young kids were placed in foster care with strangers and had no parental contact for years. These innocent children lost complete contact with their families and many still have never been reunited. The truth is that most American families are immigrants, and the USA government and former colonizers have engaged in a questionable, inhumane genocidal past, eradicating native people.

Our Statue of Liberty has welcoming words for immigrants, such as my grandparents, who entered Ellis Island, in 1920, when the USA solicited new workers. Our Constitution and Bill of Rights guarantee that all are created equal and must have access to due process. Unfortunately, most new immigrants end up in immigration court alone, can't understand English, have no legal training, and face a skilled ICE prosecutor and judge. It's inconceivable that anyone can be successful in arguing their case in these circumstances, and impossible to consider the outcomes of these cases as justice when the Trump Administration process is so unjust.

Hawai'i & the USA need people willing to work in agriculture, construction, and tourism jobs, that most of us may be unwilling to do. We need workers to advance a circular economy based in Hawai'i, utilizing clean energy, plus increase local agriculture to feed our people and mitigate climate change. We are the Aloha State with a tradition of welcoming and caring for others. ALL in our Aloha State need to continue to do what is just by following our Constitution and caring for each other.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With HB438 funding, more legal aid orgs. can staff additional attorneys/paralegals to ensure that more residents' rights will be protected, and many with viable pathways to lawful status, can fight their case for work visas in a fair and dignified way.

We urge you to push support for HB438 for the sake of our constitution and Hawai'i's future. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case. We need a diverse labor force to help Hawai'i fight climate change, become energy independent and prosper. We are ALL CREATED EQUAL!

Mahalo Nui, for your support and consideration,

**Lisa Diaz
223 Haoa; Kailua-Kona,
HI 96740
938-1389**

**76-
Scidiaz@gmail.com 808-**

HB-438-HD-1

Submitted on: 2/5/2025 3:45:47 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
James E Raymond	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case.

HB-438-HD-1

Submitted on: 2/5/2025 3:59:17 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
MANDY CHUN	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case

HB-438-HD-1

Submitted on: 2/5/2025 4:43:43 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I support this bill because all people are entitled to due process, and all people are innocent until proven guilty and are entitled to representation regardless of any demographic. It's a human right and one guaranteed in this republic, according to the US Constitution. Mahalo.

HB-438-HD-1

Submitted on: 2/5/2025 5:28:05 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheryl Summers	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case. In our republic we have agreed as a people to provide each and every person with the right to due process. This bill will ensure Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

Mahalo!

HB-438-HD-1

Submitted on: 2/5/2025 5:47:38 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Aquino	Individual	Support	Written Testimony Only

Comments:

I support helping families with legal representation. Families should not be ripped apart because they cannot afford legal representation!

HB-438-HD-1

Submitted on: 2/5/2025 8:33:33 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Maya Maxym	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

I support this bill because I believe in treating all people with dignity. Families should not be torn apart because they do not have the resources to hire a private attorney.

Mahalo,

Maya Maxym

HB-438-HD-1

Submitted on: 2/5/2025 9:56:42 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

As a citizen concerned with justice, I am writing in **support** of HB438 HD1. Many remember the stories from the first Trump Administration of little children in court on their own. Expected to mount a defense against their removal without even an adult by their side. Unfortunately, this happens all too often. Immigrants end up in immigration court alone, unable to understand the language, without any legal training, and facing an ICE prosecutor and judge. It is almost inconceivable that anyone would be successful in arguing their case in these circumstances. It is laughable to consider the outcomes of these cases justice when the process is so unjust.

Hawai'i continues to be a legal desert, with only a handful of pro bono immigration attorneys in the state, the majority of whom are on O'ahu. With additional funding more legal service organizations can staff additional attorneys and paralegals to ensure that more residents, many of whom have a viable pathway to lawful status, could fight their case in a fair and dignified way.

I urge you to support this bill. Families should not be ripped apart by our immigration court system simply because individuals do not have the thousands of dollars it would take to pay a private attorney to fight their case.

Mahalo,

Thaddeus Pham

Makiki, HI

HB-438-HD-1

Submitted on: 2/6/2025 12:29:44 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
TODD Andrew ADAMS	Individual	Support	Written Testimony Only

Comments:

I feel it is extremely important that we establish and maintain the necessary support to immigrants for due process in immigration proceedings here in Hawaii. Please do all that you can to to provide legal representation to individuals in immigration-related proceedings in immigration court.

Sincerely,

Todd Adams

HB-438-HD-1

Submitted on: 2/6/2025 6:27:36 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
julie schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb438

our taxpayer money should NOT be used for an illegal immigrant to have legal representation

HB-438-HD-1

Submitted on: 2/6/2025 6:43:19 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 438

illegal's must pay for their own lawyer fees. We will not from taxpayer funds.

HB-438-HD-1

Submitted on: 2/6/2025 6:50:33 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg schaus	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 438

my money is not to be spent on lawyers for illegals.

HB-438-HD-1

Submitted on: 2/6/2025 6:53:24 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenny Wusstig	Individual	Oppose	Written Testimony Only

Comments:

Why waste money on a legal process that's already being used for the immigration population ?
This hurts the taxpayers more than it does to help.

HB-438-HD-1

Submitted on: 2/6/2025 7:22:08 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Strongly oppose

HB-438-HD-1

Submitted on: 2/6/2025 7:23:19 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Hester	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Encourage you to find someone else to finance the illegal immigration activities of non-citizens. Our tax dollars are for the USA

HB-438-HD-1

Submitted on: 2/6/2025 7:32:20 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoë Willis	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE

HB-438-HD-1

Submitted on: 2/6/2025 7:37:14 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Rzonca	Individual	Oppose	Written Testimony Only

Comments:

We should not be providing/ paying for legal representation to illegal aliens. Stop funding more programs and services for illegals and take care of our own people!

HB-438-HD-1

Submitted on: 2/6/2025 7:41:25 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joelle Seashell	Individual	Oppose	Written Testimony Only

Comments:

Deport all illegals. Take care of Americans first. Stop selling us out. 1 in 3 of your taxpayers are considering leaving the island because of how terrible legislators have made it to live here.

HB-438-HD-1

Submitted on: 2/6/2025 7:42:03 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Anne Bell	Individual	Oppose	Written Testimony Only

Comments:

America 1st- we are not paying for illegals

HB-438-HD-1

Submitted on: 2/6/2025 7:44:24 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Yumi Moore	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am writing to oppose HB438 HD1, which seeks to provide free legal representation to individuals facing immigration proceedings, regardless of their ability to pay. While legal representation is important, this bill unfairly places the financial burden on Hawai'i's taxpayers, many of whom are struggling with the rising cost of living.

Public resources should be prioritized for legal residents and citizens who need assistance. Funding free legal services for those who are not legally in the country diverts money away from essential programs that support local families, education, and housing.

I urge you to vote against HB438 HD1 and ensure that taxpayer dollars are used to support those who contribute legally to our communities.

Mahalo for your time and consideration.

Yumi Moore

HB-438-HD-1

Submitted on: 2/6/2025 7:48:26 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition of this bill, my tax dollars should be used to take care citizens of the United States of America, not illegal aliens from foreign countries.

HB-438-HD-1

Submitted on: 2/6/2025 7:57:32 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathy Hammes	Individual	Support	Written Testimony Only

Comments:

I support this measure because families should not be ripped apart because individuals cannot pay for a private attorney to fight their case. Immigrants are vital parts of our society, its economy and its success.

HB-438-HD-1

Submitted on: 2/6/2025 8:02:32 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

NONE OF OUR TAX DOLLARS SHOULD EVER BE SPENT ON THIS. I OPPOSE THIS.

HB-438-HD-1

Submitted on: 2/6/2025 8:19:46 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie West	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE

HB-438-HD-1

Submitted on: 2/6/2025 8:22:32 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Gouveia	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438. I do not believe that illegal aliens should be given the same due process as U.S. citizens. They are not citizens, so therefore, my tax dollars should not be paying for their legal fees.

HB-438-HD-1

Submitted on: 2/6/2025 8:46:17 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
KELVIN AWAYA	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB438 / HB438 HD1.

Taxpayer dollars shall not be used to provide aid/assistance to illegal immigrants period. Even more so a hard NO on this bill being it would provide legal representation for illegal immigrants. Public defense is provided to constituents of the USA, not illegal immigrants.

HB-438-HD-1

Submitted on: 2/6/2025 8:52:34 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438. It is a misuse of our taxpayer funds.

HB-438-HD-1

Submitted on: 2/6/2025 8:55:24 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Gellert	Individual	Oppose	Written Testimony Only

Comments: Aloha JHA Committee, My name is Jessica Gellert, and I strongly oppose H.B 438, H.D. 1, which aims to establish a Due Process in Immigration Proceedings Program to provide legal representation to individuals that are here illegally in immigration-related court proceedings. Many residents are struggling with the high cost of living, housing shortages, and lack of public resources. Why should the state prioritize legal aid for non-citizens while many local families face hardships? Funding and Budget Concerns The bill proposes an appropriation of \$750,000 to fund the program, which would come from taxpayer money. Given Hawaii's existing budget constraints, there are concerns that these funds could be better allocated to pressing local issues, such as homelessness, education or housing. The Judiciary is tasked with administering the funds but not directly operating the program, meaning taxpayer money would go to contracted entities, raising concerns about oversight, efficiency, and potential waste. 2. Immigration Court Is Federal, Not State Jurisdiction Immigration proceedings fall under federal jurisdiction, handled by U.S. Immigration and Customs Enforcement (ICE) and the Department of Justice. By allocating state funds to provide legal representation in these federal proceedings, Hawaii is taking on responsibilities that should be managed at the federal level, potentially encouraging more state-level financial burdens. 3. Legal Representation in Immigration Cases Is Not a Constitutional Right Unlike criminal cases, where defendants have a constitutional right to an attorney, immigration cases are civil matters, and there is no federal requirement for legal representation. This program would go beyond legal obligations, effectively providing free legal services to non-citizens while many low-income U.S. citizens in Hawaii struggle to afford legal representation in civil matters like housing disputes, custody battles, and employment law cases. 4. Could Encourage Illegal Immigration By guaranteeing free legal representation in deportation proceedings, the bill could create an incentive for more undocumented immigrants to settle in Hawaii, knowing they will receive taxpayer-funded legal aid. This raises concerns about how the state will handle an increase in demand and whether this could lead to increased costs for social services, housing, and healthcare. While due process is an important principle, this bill raises serious concerns about state spending, jurisdictional overreach, and fairness to taxpayers. A more balanced approach might be to focus on legal aid for all low-income residents rather than targeting a specific group, ensuring Hawaii's resources are used to benefit the broader community. Mahalo, Jessica Gellert

HB-438-HD-1

Submitted on: 2/6/2025 8:57:11 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Zac Nosugref	Individual	Oppose	Written Testimony Only

Comments:

I oppose using public funds for legal representation of illegal aliens, immigrants who are presently in illegal status within the USA regardless of reason.

HB-438-HD-1

Submitted on: 2/6/2025 8:58:37 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
stacy diaz	Individual	Oppose	Written Testimony Only

Comments:

I, Stacy Diaz oppose this bill

HB-438-HD-1

Submitted on: 2/6/2025 9:00:01 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Monique Perreira	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE. Taxpayer funds should not be used for this.

HB-438-HD-1

Submitted on: 2/6/2025 9:11:55 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanine Acopan	Individual	Oppose	Written Testimony Only

Comments:

Stop spending my tax payer dollars on anything related to illegal immigrants! They are criminals! Send them back to their country! They want citizenship, do it legally!

HB-438-HD-1

Submitted on: 2/6/2025 9:32:21 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

I oppose HB438. I do not want my tax dollars to facilitate violation of Title 8 U.S.C. 1324, 1325,1365. The State of Hawaii Legislature is crafting these bills to justify violation of Federal Laws of Immigration. Thank you.

Noela von Wiegandt

HB-438-HD-1

Submitted on: 2/6/2025 9:34:07 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Tina Pao	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 9:59:21 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438 HD1 which provides legal representation to illegal aliens. Why would our tax dollars pay for illegal aliens? This is purely unconstitutional.

HB-438-HD-1

Submitted on: 2/6/2025 10:40:14 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Iani	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

HB-438-HD-1

Submitted on: 2/6/2025 11:09:45 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Rosemarie Vailisale	Individual	Oppose	Written Testimony Only

Comments:

I oppose of this bill!!

HB-438-HD-1

Submitted on: 2/6/2025 11:15:10 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 11:15:29 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Josh Fowler	Individual	Oppose	Written Testimony Only

Comments:

House Committee on Judiciary & Hawaiian Affairs

RE: Strong Opposition to HB438 HD1 – Relating to Due Process Protections

Chair, Vice-Chair, and Committee Members,

My name is Joshua Fowler, and I strongly oppose HB438 HD1, which seeks to use state funds to provide free legal representation to individuals in immigration-related proceedings. While due process is an essential part of the justice system, this bill unfairly places the financial burden on Hawaii taxpayers to cover legal costs for individuals who are facing federal immigration actions.

Reasons for Opposition:

- **State Tax Dollars Should Not Fund Federal Immigration Cases**
 - Immigration proceedings are a federal matter, and it is not the responsibility of Hawaii’s taxpayers to subsidize legal representation for non-citizens.
 - Allocating \$750,000 from the state budget to this program diverts critical resources away from Hawaii residents who are struggling with the cost of living, housing, and healthcare.
- **Unfair to Law-Abiding Residents**
 - Many Hawaii residents cannot afford legal representation for their own civil matters, yet this bill prioritizes free legal services for individuals in immigration proceedings.
 - Instead of funding legal aid for non-citizens, the state should focus on expanding legal assistance for local families dealing with landlord-tenant disputes, family court issues, or small business challenges.
- **Encourages Unlawful Immigration and Weakens Enforcement**
 - Providing free legal representation to those in immigration proceedings could incentivize more individuals to bypass legal immigration processes, knowing they will receive state-funded legal support if they face deportation.
 - Other states that have implemented similar programs have faced increased costs with no measurable impact on improving the efficiency of immigration courts.
- **Better Use of State Funds**

- Instead of spending taxpayer money on immigration cases, funds should be directed toward addressing issues that impact all residents, such as affordable housing, public education, and crime prevention.
- If there is a concern about individuals navigating immigration proceedings without representation, private legal organizations and nonprofits should step in rather than the state government.

A Smarter Approach for Hawaii:

- ✓ Focus state resources on legal aid for Hawaii citizens facing economic hardship.
- ✓ Ensure taxpayer funds are directed toward local needs, not federal immigration issues.
- ✓ Support private and nonprofit efforts for immigration legal aid without using state funds.

Hawaii should not be in the business of funding legal representation for individuals in federal immigration proceedings. This bill misallocates resources and unfairly prioritizes non-citizens over struggling residents. I strongly urge you to reject HB438 HD1.

Mahalo for your time and consideration.

Joshua Fowler
Hawaii Resident

HB-438-HD-1

Submitted on: 2/6/2025 11:16:33 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 11:17:52 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Dedely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 11:19:30 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Oppose	Written Testimony Only

Comments:

I, Yvonne Alvarado Oppose Bill HB438 HD1

HB-438-HD-1

Submitted on: 2/6/2025 11:28:14 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharan Sadowski	Individual	Oppose	Written Testimony Only

Comments:

If a person is here illegally, they should not have rights to taxpayers' dollars. I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 11:37:17 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn O'Brien	Individual	Oppose	Written Testimony Only

Comments:

Aloha Representatives of the Legal & tax-paying residents of Hawai'i,

I STAND IN STRONGEST OPPOSITION TO THIS PROPOSED BILL AS IT CONTINUES TO SERVE OUTSIDE INTERESTS & NOT THE KANAKA MA'OLI (INDIGENOUS PEOPLE) OR TAX-PAYING RESIDENTS OF HAWAII. THIS IS CRIMINAL IN INTENT WITH THE PURPOSE TO FURTHER BANKRUPT OUR RESIDENTS AND DESTROY OUR ISLAND HOME.

PLEASE DESTROY & VOTE AGAINST THIS CRIMINAL PROPOSAL, I STAND STRONGLY AGAINST & SO SHOULD YOU ON BEHALF OF THE PEOPLE WHOM YOU REPRESENT.

MAHALO & ALOHA ALWAYS,

DAWN O'BRIEN

LIFETIME RESIDENT & TAX-PAYING CITIZEN

HB-438-HD-1

Submitted on: 2/6/2025 11:37:49 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Darian	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB438 HD1, which proposes to provide legal representation to illegal aliens facing proceedings in immigration court, regardless of their ability to pay. This bill unfairly burdens taxpayers by allocating public funds to cover legal expenses for individuals who have violated immigration laws.

While I understand the humanitarian concerns surrounding immigration proceedings, using taxpayer dollars to provide legal counsel to those who have entered or remained in the country illegally is an inappropriate allocation of public resources. These funds could be better utilized for essential services that benefit lawful residents, such as education, public safety, and infrastructure improvements.

Additionally, HB438 HD1 creates an inequitable system in which illegal aliens receive free legal services while many law-abiding citizens struggle to afford legal representation for their own civil and criminal cases. This prioritization undermines the integrity of the legal system and places an undue financial burden on hardworking taxpayers.

Rather than passing HB438 HD1, I urge the Legislature to focus on policies that strengthen immigration enforcement, support legal pathways to citizenship, and ensure that public funds are used to benefit those who have followed the law.

For these reasons, I respectfully urge you to oppose HB438 HD1.

HB-438-HD-1

Submitted on: 2/6/2025 11:50:25 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerwin Canionero	Individual	Oppose	In Person

Comments:

Subject: Opposition to HB438 – Legal Representation for Illegal Aliens Using Taxpayer Funds

Dear Legislator's,

I am writing to express my strong opposition to HB438, which proposes to allocate taxpayer dollars to provide legal representation for illegal aliens facing proceedings in immigration court, regardless of their ability to pay. This bill is a direct burden on hardworking taxpayers and an unconstitutional misuse of public funds.

First and foremost, American taxpayers should not be forced to fund legal representation for individuals who have violated our immigration laws. Our nation operates under the rule of law, and prioritizing taxpayer-funded legal defense for those who have entered or remained in the country illegally undermines the integrity of our immigration system. Instead of protecting and enforcing existing immigration laws, HB438 incentivizes illegal immigration and diverts limited financial resources away from our own citizens.

From a constitutional standpoint, this bill raises serious concerns. Nowhere in the U.S. Constitution is it mandated that taxpayers bear the financial burden of providing legal representation for non-citizens in immigration proceedings. The Sixth Amendment guarantees legal representation in criminal cases, but immigration cases are civil proceedings, where such an entitlement does not exist. Forcing taxpayers to cover legal fees for illegal aliens is an overreach of government authority and an unfair redistribution of public funds.

Furthermore, Hawaii is already facing financial challenges in providing for its own citizens. Our tax dollars should be invested in critical areas such as education, healthcare, infrastructure, housing, and public safety for law-abiding residents. We have homeless veterans, struggling families, and underfunded schools that require our immediate attention and financial support. Prioritizing taxpayer money for non-citizens over legal residents and American citizens is a disservice to the hardworking people of Hawaii.

I urge you to oppose HB438 and focus on legislation that supports American citizens and legal residents. We must uphold the integrity of our immigration system while ensuring that our taxpayer funds are used responsibly and in accordance with the best interests of our community.

Thank you for your time and consideration. I hope that you will stand with the taxpayers of Hawaii and vote against HB438.

Sincerely,

Kerwin Canionero

HB-438-HD-1

Submitted on: 2/6/2025 12:00:10 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy	Individual	Oppose	Written Testimony Only

Comments:

What part of "illegal" is confusing? I oppose this bill!

HB-438-HD-1

Submitted on: 2/6/2025 12:02:32 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lee Takagi	Individual	Support	Written Testimony Only

Comments:

I am in support of HB438. Our state has been populated by immigrants for the past two hundred years. They are entitled to due process and the ability to retain a lawyer.

I am very concerned about what is already starting to happen in Honolulu. I live in McCully and witnessed a frightening incident about a week ago. I saw a police car rushing the wrong way down Pumehana St., lights flashing. A few minutes later, two police cars pulled over a driver right in front of my house. Looking out my second story window, I couldn't hear what they were telling the driver. After a few minutes, the driver was asked to exit the car. One of the police officers went to the back of the car and took a picture of the license plate, and then took a picture of the driver.

I thought the car must be stolen. But then the driver was allowed to leave, without being issued any ticket. What? What did the officers say to him? Is it legal to take pictures like this? It was quite upsetting to witness. Is this going on around Honolulu?

As concerned citizens I believe we must speak up to make sure people's rights are being respected. Otherwise, aren't we part of the problem? Thank you.

HB-438-HD-1

Submitted on: 2/6/2025 12:38:35 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Noel Baker	Individual	Oppose	Written Testimony Only

Comments:

Illegals should not have American citizen rights.

HB-438-HD-1

Submitted on: 2/6/2025 12:50:47 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Emiko Baker	Individual	Oppose	Written Testimony Only

Comments:

We are getting legislation passed regarding the illegal aliens by President Donald Trump. Why are we as citizens paying for illegal aliens who don't pay taxes and don't need to pay based on their illegal status. I don't want my tax dollars to pay for these illegal aliens. Why do they have more rights than us?

I oppose HB438.

Sincerely, Emiko Baker

HB-438-HD-1

Submitted on: 2/6/2025 1:03:54 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Bariantos	Individual	Oppose	Written Testimony Only

Comments:

House Bill 438 is an outright betrayal of law-abiding citizens and legal immigrants. This bill proposes using taxpayer dollars to fund legal representation for individuals in immigration court—many of whom have entered the country illegally. This is unacceptable.

Hardworking Americans struggle to afford legal representation in their own court battles, yet lawmakers want to hand out free legal aid to those who have broken immigration laws. Imagine a single mother fighting a custody case or a veteran battling an unfair eviction—both forced to pay for their own attorneys while illegal immigrants get free legal services on the taxpayer’s dime. How is that justice?

The U.S. Constitution protects the rights of legal citizens, not those who enter unlawfully. Due process is a fundamental right, but it does not mean taxpayers should be forced to fund legal battles for those who have no legal right to be here. This bill incentivizes illegal immigration by rewarding those who violate our borders with free legal defense.

Hawaii lawmakers should be focused on protecting their own citizens, not diverting resources to those who have disregarded our nation’s laws. House Bill 438 is an insult to every American who plays by the rules. It must be rejected.

HB-438-HD-1

Submitted on: 2/6/2025 1:05:24 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
TiaLynn Coryell	Individual	Oppose	Written Testimony Only

Comments:

Why should my tax pay for "illegal invaders" to get a free lawyer? They should be kicked out of the country!!!

HB-438-HD-1

Submitted on: 2/6/2025 1:16:47 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
John Sadowski	Individual	Oppose	Written Testimony Only

Comments:

<p>I oppose this bill.</p>

HB-438-HD-1

Submitted on: 2/6/2025 1:17:24 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
David Williams	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-438-HD-1

Submitted on: 2/6/2025 1:26:21 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlotte Rosecrans	Individual	Oppose	Written Testimony Only

Comments:

My name is Charlotte Rosecrans

I reside in Honolulu City, in representative district 26.

My tax paying dollars shall be for State of Hawaii constituents who are of legal status.

Why should my efforts of paying Hawaii State taxes fund others who have/haven't paid their fare share? If someone is to move anywhere why should the location chosen get burdened with anothers situations and/or issues? One should be prepared for such.

DACA process is a must, legally!

Due process is for legal US persons only, unless one can afford it.

Having the Judiciary provide reports on this status would burden the budget exponentially. This bill doesn't even have an amount, how absurd is this? When one resides in Hawaii, everyone needs to pay their own fare share. This is an absolute no to supporting funds for illegals.

Immigration and Nationality Act states:

INA § 236(a) allows ICE officers to arrest and detain non-citizens subject to removal with an administrative warrant issued by designated immigration officials.

INA § 287(a)(2) permits warrantless arrests if the officer has “reason to believe” a person is violating immigration laws and is likely to escape before a warrant can be obtained.

My solution to these issues would lbe to see every bill that mentions "domiciled" removed from our HRS, this includes the right to vote in Hawaii. No more grey areas.

Everyone needs to follow the rule of law and stop obfuscating around it.

I again oppose HB 438.

Charlotte Rosecrans

Constituent of Representative District 26.

HB-438-HD-1

Submitted on: 2/6/2025 1:30:13 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Katty Arnow	Individual	Oppose	Written Testimony Only

Comments:

Don't agree with this bill

HB-438-HD-1

Submitted on: 2/6/2025 2:06:05 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Leslie J.	Individual	Oppose	Written Testimony Only

Comments:

Please defer this measure. Thank you.

HB-438-HD-1

Submitted on: 2/6/2025 2:43:22 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Chang	Individual	Oppose	Written Testimony Only

Comments:

Oppose bill

HB-438-HD-1

Submitted on: 2/6/2025 2:45:51 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

This is another absurd bill. I do not want any of my tax dollars going to illegal aliens. Certainly not for attorneys. If I need an attorney, who's going to pay? Me! No money for attorneys for illegals!

HB-438-HD-1

Submitted on: 2/6/2025 3:00:32 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

Thank you for allowing me to express my support for HB438 by Rep. Ilagan. Immigrants deserve due process just like every other person who is present in the United States. We should be a country in which all are granted basic legal protections. To do otherwise, makes us the same as any country that does not believe in human dignity or the rule of law.

Please pass HB438

Renee Rabb

Keaau, HI 96749

Big Island

HB-438-HD-1

Submitted on: 2/6/2025 3:26:09 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronelle Andrade	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438 HD1

HB-438-HD-1

Submitted on: 2/6/2025 3:37:50 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Weiner	Individual	Support	Written Testimony Only

Comments:

To the Judiciary and Hawaiian Affairs Committee:

I strongly support universal due process in immigration proceedings. Many immigrants cannot afford legal representation and have a language barrier as well. It is imperative that these people not be railroaded by ICE without fair legal representation. Please provide funding so that adequate legal staff can represent our immigrants without tearing apart families.

Respectfully submitted,

Linda Weiner, MD

Kauai

HB-438-HD-1

Submitted on: 2/6/2025 4:32:26 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Duffy	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

HB-438-HD-1

Submitted on: 2/6/2025 4:47:10 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Support	Written Testimony Only

Comments:

Please do not use our tax dollars and resources. Our State and Local law enforcement are overwhelmed now.

A cruel campaign of mass deportation has been implemented throughout the country—including in our state— in which migrants are celebrated members.

Current Federal administration now allows conducting raids at sensitive locations, including schools, churches and hospitals.

We cannot sit idly by while a campaign of fear against our immigrant population exists.

Do not waste Hawaii resources hurting.

HB-438-HD-1

Submitted on: 2/6/2025 4:56:05 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Darren Clemen	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I respectfully submit this testimony in **strong opposition** to HB438, which proposes the establishment of the Due Process in Immigration Proceedings Program within the Judiciary of the State of Hawaii. While the intent behind this bill is commendable, its provisions raise serious **constitutional concerns** and practical implications that merit reconsideration.

1. Violation of the Separation of Powers Doctrine

The **United States Constitution** establishes a clear **separation of powers** among the three branches of government. Immigration law falls under the **exclusive jurisdiction of the federal government** as dictated by **Article I, Section 8, Clause 4**, which grants Congress the power "to establish a uniform Rule of Naturalization." States do not have the constitutional authority to create programs that interfere with federal immigration enforcement or procedures.

By funding legal representation in immigration proceedings, the **State of Hawaii risks encroaching on a domain reserved solely for the federal government**, potentially leading to conflicts with existing federal statutes and Supreme Court precedent, such as **Arizona v. United States (2012)**, which reaffirmed that immigration enforcement is primarily a federal matter.

2. Equal Protection Concerns (14th Amendment)

HB438 seeks to allocate state taxpayer dollars to provide **legal representation for non-citizens in immigration proceedings**, while no similar provisions exist for citizens in civil proceedings such as family law disputes, landlord-tenant issues, or employment disputes. This **disparate treatment** raises significant concerns under the **Equal Protection Clause** of the **Fourteenth Amendment**, which prohibits states from **discriminating between similarly situated groups without a compelling government interest**.

The Supreme Court has long held that government-funded legal aid programs must comply with **constitutional principles of fairness**. By selectively providing legal counsel based solely on immigration status, HB438 establishes a **precedent of unequal treatment** that may be subject to constitutional challenge.

3. Unconstitutional Use of State Funds Under the Tenth Amendment

The **Tenth Amendment** reserves powers not delegated to the federal government to the states. However, it also **prevents states from being commandeered into administering or funding programs that belong within federal jurisdiction**. Immigration courts operate under the Department of Justice’s Executive Office for Immigration Review (EOIR).

By funding legal counsel in federal immigration proceedings, HB438 effectively **compels state resources to subsidize a federal function**, violating the **anti-commandeering principle** established in **Printz v. United States (1997)** and **Murphy v. NCAA (2018)**.

4. Fiscal and Policy Implications

Beyond its constitutional deficiencies, HB438 raises **serious concerns about fiscal responsibility**. With Hawaii already facing **budgetary constraints**, diverting state resources to cover legal costs for **non-citizens** in federal proceedings is neither sustainable nor in the best interest of Hawaii residents.

Legal representation in immigration court is not a constitutional right under **Gideon v. Wainwright (1963)**, which applies only to criminal proceedings. Federal law does not require the government to provide court-appointed attorneys for non-citizens in removal proceedings (**8 U.S.C. § 1362**). Thus, **Hawaii should not be compelled to assume this financial burden**, especially when other pressing needs—such as housing, healthcare, and public education—remain underfunded.

Conclusion

For the reasons outlined above, I strongly urge this committee to **reject HB438**. The bill is **constitutionally flawed, fiscally irresponsible, and intrudes upon federal jurisdiction** in a manner that could expose the State of Hawaii to **legal challenges and unintended financial liabilities**.

I respectfully request that you **vote against this measure** in the interest of **preserving constitutional integrity and ensuring responsible governance**.

Mahalo for your time and consideration.

HB-438-HD-1

Submitted on: 2/6/2025 5:37:08 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Cockett	Individual	Oppose	Written Testimony Only

Comments:

No. No. No. I am against HB438 HD1. I object any of my, and my family's hard earned taxes, to be used to represent **illegal** aliens. By right, they do not belong here in the first place. These finances are meant for legal, law abiding citizens.

Also, this bill is completely unfair to the many personal friends I know and who have gone through the immigration process legally. Some have paid, and are still paying and waiting, as they pursue citizenship to the USA.

Those entering illegally should not be funded in any way what so ever. No to HB438 HD1.

HB-438-HD-1

Submitted on: 2/6/2025 5:52:52 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB438. Again, please do not use any taxpayer money towards anything related to illegal immigrants or aliens. Taxpayer money should only be used for American citizens not illegal immigrants. Stop wasting taxpayer money. The needs of the American citizens come first! Shame on all of you politicians.

HB-438-HD-1

Submitted on: 2/6/2025 9:13:19 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Lau	Individual	Oppose	Written Testimony Only

Comments:

I do not support my tax dollars to support aliens in court for crimes they may have committed. I barely have enough money to support my own family. Why should I support aliens who don't even belong here? I oppose this bill.

HB-438-HD-1

Submitted on: 2/6/2025 9:17:54 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Apaka	Individual	Oppose	Written Testimony Only

Comments:

Our tax dollars should not be supporting illegals!

HB-438-HD-1

Submitted on: 2/6/2025 10:17:21 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Reina Loughlin	Individual	Oppose	Written Testimony Only

Comments:

I oppose. Tax dollars should be used for the people of this state.

HB-438-HD-1

Submitted on: 2/7/2025 12:37:19 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Joanna Wheeler	Individual	Oppose	Written Testimony Only

Comments:

Dear Sirs:

I am writing to oppose HB438 HD1. This bill represents a significant misallocation of public resources, particularly when many legal residents and citizens face their own financial burdens in accessing legal services.

The use of public funds to support individuals who are here unlawfully over our own citizens sends a troubling message about our priorities. It is critical that we allocate our limited resources where they are most needed and legally justified, ensuring that the needs of our community members, who contribute to our society through taxes and civic engagement, are met first.

For these reasons, I urge you to oppose HB438 HD1. We must prioritize the needs of legal residents and citizens, ensuring that our community's resources are used wisely and justly. The integrity of our legal system and the fair use of taxpayer money depend on making these distinctions.

Sincerely,

Joanna Wheeler

Registered Voter

HB438

Aloha, Chair Tarnas, Vice Chair Poepoe, and members of the committee,
My name is Justice-John Kiaha and I am a Bachelors of Social Work student. I am submitting this testimony in support of HB438 and urge you to pass the legislation.

In our current time it seems that many things are under pressure, one being immigration. The State of Hawai‘i has come to recognize that our immigrant communities are deeply connected and woven into our social fabric. We acknowledge that these communities have a home here within the State of Hawai‘i as the legislation states, approximately eighteen percent of Hawai‘i’s population identify themselves as US-born residents living with at least one immigrant parent. With that being said, it is evident that immigrant families are an integral part of our communities with their contribution to our economy, culture, and overall social lifestyle of our residents. However, despite their contributions, many immigrants continue to face systemic barriers in accessing essential services such as legal protections, and legal representation. HB438 seeks to address these disparities by establishing a program to both increase and provide access to legal representation for individuals who are facing immigration-related cases within immigration court. Assuring that due process, family unity, and economic stability are all at the forefront of all cases. Due process is integral in immigration proceedings as it provides legal representation to residents of the state who are facing immigration-related cases regardless of their ability to pay. I personally would like to highlight this as it reminds us that regardless of citizenship status, sexuality, race, or gender we all deserve to be represented equally and fairly. There is so much more that can be said for HB438 as the legislation ushers in such greatness for our state. All in all I strongly urge the committee of JHA to pass this legislation.

Mahalo for the opportunity to provide testimony,
Justice-John Kiaha.

HB-438-HD-1

Submitted on: 2/7/2025 8:29:05 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen Ez	Individual	Support	Written Testimony Only

Comments:

Please don't allow families to be ripped apart just because they cannot afford a private attorney. That's just not right!! Mahalo.

HB-438-HD-1

Submitted on: 2/7/2025 12:29:06 PM

Testimony for JHA on 2/7/2025 2:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey F Mizuno	Individual	Oppose	Written Testimony Only

Comments:

Text