



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Human Services & Homelessness**

Representative Joy A. San Buenaventura, Chair

Representative Nadine K. Nakamura, Vice Chair

Wednesday, January 29, 2020 at 8:30 a.m.

State Capitol, Conference Room 329

by

Christine E. Kuriyama

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 1978, Relating to Special Immigrant Juvenile Status.

**Purpose:** Specifies that the family court has jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of 18.

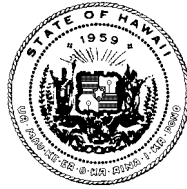
**Judiciary's Position:**

The Judiciary strongly supports this bill, which clarifies that the Hawai‘i Family Court has jurisdiction to hear motions awarding custody or guardianship of immigrant children under the age of 21 who have been abused, neglected or abandoned, for purposes of granting them Special Immigrant Juvenile Status [("SJIS")] "SIJS" under federal law.

This bill does not expand or contract Family Court's current powers, but is being offered to address the requirements of section 101(a)(27)(J) of the federal Immigration and Nationality Act (codified in 8 U.S.C. section 1101(a)(27)(J)). As a result, the Judiciary does not anticipate requesting additional funding for the implementation of this bill.

Thank you for the opportunity to provide testimony on this matter.

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

January 27, 2020

TO: The Honorable Joy A. San Buenaventura, Chair, and  
The Honorable Nadine K. Nakamura, Vice Chair  
House Committee on Human Services and Homelessness

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1978 – Relating to Special Immigrant Juvenile Status**

Hearing: Wednesday, January 29, 8:30 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT’S POSITION:** The Department of Human Services (DHS) supports this bill.

**PURPOSE:** The purpose of this bill is to specify that the family court has jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of 18.

Obtaining a juvenile court order issued by a state court for an individual who cannot be reunified with parents due to abuse, abandonment, or neglect, is one requirement for an immigrant juvenile to become eligible for Special Immigrant Juvenile classification per the Immigration and Nationality Act (INA). With the Special Immigrant Juvenile classification, the juvenile may adjust their immigration status and eventually become a lawful permanent resident and obtain a green card. The individual needs to apply for the classification before turning 21 years old.

Like the Violence Against Women Act of 1994 (reauthorized in 2000, 2005, 2013, and 2019) that sought to improve abused, immigrant women’s access to safety in the United States, this bill supports the protection and recovery of maltreated and neglected immigrant children. The Department currently provides foster care services for immigrant children who have been

the victims of parental abuse and neglect. The Department is committed to continue this work and supports efforts, like this bill, to increase immigrant safety, services, and protection.

Appropriations may be required for support services to the involved minors while they are seeking this classification.

DHS defers to the Judiciary regarding additional resources that it may require, including for legal representation for the involved minors.

Thank you for the opportunity to provide comments on this measure.

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS, Rm 329

8:30 am Wednesday, January 29, 2020

TESTIMONY IN SUPPORT OF HB1978 RELATING TO SPECIAL IMMIGRANT JUVENILE STATUS

TESTIMONY SUBMITTED BY AMY AGBAYANI, CO-CHAIR

FILIPINA ADVOCACY NETWORK (FAN)

Chair San Buenaventura, Vice Chair Nakamura and members of the Committee:

Filipina Advocacy Network (FAN) strongly supports HB1978 RELATING TO SPECIAL IMMIGRANT JUVENILE STATUS. FAN advocates for equity, non-discrimination, diversity, and inclusion of Filipinos in our multicultural community. We support HB1978 because this bill ensures that vulnerable immigrant youth are able to access protections afforded under federal law. FAN appreciates the support of the House Filipino legislative caucus for HB 1978 which addresses fairness, protection of vulnerable foreign-born youth in our state, including recent immigrants from the Philippines.

I respectfully request your support for HB1978 clarifying that the Hawai'i family court has jurisdiction over custody or guardianship as it relates to the federal Special Immigrant Juvenile Status (SIJS). SIJS provides a pathway to citizenship for immigrant children under 21 years of age who have been abused, neglected, or abandoned. To obtain SIJ status, an individual must receive an order from a state juvenile court awarding custody or guardianship. The bill is necessary because of a recent change by the administration to block certain SIJS petitions; the bill resolves the issue by clarifying the jurisdiction of the family court to hear the cases. Many states have passed laws expressly confirming that their family courts have jurisdiction.

Thank you for the opportunity to express our strong support for HB 1978.

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# Filipinos for Affirmative Action

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**TESTIMONY IN STRONG SUPPORT OF HB 1978  
House Committee on Human Services and Homelessness**

January 29, 2020

8:30 am

Hawai'i State Legislature  
Hawai'i State Capitol, Conference Room 329

**To:** Chair Joy A. San Buenaventura  
Vice-Chair Nadine K. Nakamura  
Committee on Human Services and Homelessness Members: Della Au Belatti,  
Bertrand Kobayashi, John Mizuno, Calvin Say, James Tokioka, and Gene Ward

**From:** Agnes Malate, PhD  
armalate@yahoo.com

The Filipinos for Affirmative Action's mission is to advocate for the civil rights of all in our multicultural community. We firmly support *HB 1978 Special Immigrant Juvenile Status (SIJS)* to ensure protection for vulnerable immigrant youth.

Special Immigrant Juvenile Status (SIJS) provides a pathway to citizenship for immigrant children under the age of 21 who have been abused, neglected, or abandoned. HB 1978 is needed because of a recent change by the administration to block certain SIJS petitions, which states specific provisions in state family court jurisdictional statutes are necessary. This bill resolves the issue by clarifying the jurisdiction of the family court to hear cases. Other states have passed similar legislation confirming their family courts have jurisdiction over victims of parental abuse, neglect, or abandonment between 18 and 20 years of age for purposes of SIJS factual finding hearings.

Thank you for your consideration of HB 1978 and the opportunity to express our strong support.

**HB-1978**

Submitted on: 1/27/2020 12:38:38 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taryn Reiner	Konawaena High School	Support	No

Comments:

**Statement of**

**Taryn Reiner, School Counselor**

**Before the**

**Committee on Human Services & Homelessness**

**Wednesday, January 29th, 2020 @ 8:30AM**

**State Capitol, Conference Room 329**

**In consideration of**

**HB 1978/SB 2677**

**Relating to Special Immigrant Juvenile Status**

**Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,**

**I write in support of HB 1978/SB 2677. I am a school counselor at Konawaena High School on the island of Hawai'i. I was made aware of the issue of lack of immigration status when my student, E.P, received a deportation hearing notice.**

**When E.P. enrolled at Konawaena High School as a sophomore, I was his advisory teacher and school counselor. His junior and senior years, I was his varsity soccer assistant coach and school counselor.**

**At the time that my student received his hearing notice, he was a senior, a few months from graduating, and his dad was just deported. This left E.P. working his father's job full time, attending Konawaena High School, and living with his step-mother.**

**E.P. was left to figure out the immigration system by himself, at the age of 17. When he received the hearing notice he immediately brought it to me. The hearing was scheduled for March 6, 2019 at 12:00 a.m. (MIDNIGHT)! I had no idea where to start and how to confirm that the hearing is at midnight. We worked with a Konawaena High School Teacher who speaks Spanish. Together we wrote a response to the Department of Homeland Security, gathered evidence, spoke to E.P. father in Honduras, and spent countless weekends and after school hours supporting our student.**

**HB 1978/SB 2677 will protect E.P. along with other students who are successful, contributing community members. These students are our next generation, a generation that is inclusive of differences, students that The State Of Hawai'i should protect!**

**Thank you for your time and consideration!**

**Taryn Reiner**

**School Counselor, Konawaena High School, Kealahou, Hawai'i**





January 27, 2020

**Testimony in Support of House Bill 1978 - Relating To Special Immigrant Juvenile Status**  
House Committee on Human Services and Homelessness

An Affiliate of  
National Justice  
for Our Neighbors

Aloha Chair San Buenaventura, Vice Chair Nakamura, and members of the committee:

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William S. Richardson School of  
Law, Univ. of Hawai'i at Mānoa

The Legal Clinic provides this testimony in support of HB 1978, which would allow certain of Hawaii's qualified children to be eligible for protection under the federal Special Immigrant Juvenile Status ("SIJS"). SIJS is a federal designation which provides protection for abused, neglected, or abandoned immigrant children. The Legal Clinic provides legal and related services to Hawaii's low-income immigrant community. We urge you to support this bill to ensure that Hawaii's affected immigrant children can enjoy this protection afforded by federal law.

Under Special Immigrant Juvenile Status (8 U.S.C. § 1101(a)(27)(J)), immigrant children under 21 years of age who have been abused, neglected, or abandoned may be protected and gain a pathway to citizenship. However, confusion between U.S. Citizenship and Immigration Services (USCIS) and state courts has led to thousands of petitions being rejected nationally, simply because the state designation of "juvenile" does not match the federal designation. This has occurred in Hawaii. HB 1978 would authorize Hawaii's family courts to make the required findings, where appropriate, to allow these children to enjoy the benefits under the federal status.

It should be readily apparent that Hawaii should afford its affected residents recognized federal protections available under existing immigration law, as a number of other states have done, including California, Maryland, Colorado, New Jersey, Washington, Connecticut, Massachusetts and New York. Failure to do so could result in the deportation of these children and would impair their ability to function fully as contributing members of our society. Hawaii should also encourage, and help facilitate, its immigrants in becoming citizens, especially its young population, which are part of the future of this State. The only obstacle to this is the family court's lack of authority to make the requisite qualifying findings. HB 1978 would remove this by amending Haw.Rev.Stat. section 571-11, concerning the jurisdiction of the family courts.

Nationwide, in 2018 there were 21,917 new applicants for SIJS, with 33,791 cases still pending. With so many young lives hanging in the balance, and facing potentially harmful or deadly circumstances in their countries of origin, it is critical that Hawaii take this small measure to support our children that call our state home.

Hawaii has one of the largest immigrant populations, *per capita*, in the country and is largely built on its immigrants. HB 1978 would help protect an especially vulnerable part of that immigrant community.

We urge you to pass HB 1978 out of committee. Thank you.

With Aloha,

Corey Park  
President, Board of Directors,  
The Legal Clinic Hawai'i

**HB-1978**

Submitted on: 1/28/2020 8:06:48 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Angela Kuo Min	Volunteer Legal Services Hawaii	Support	No

Comments:

**HB-1978**

Submitted on: 1/26/2020 3:51:15 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Brown	Individual	Support	No

Comments:

**Statement of**

**Justin Brown, Public School Educator**

**Before the**

**Committee on Human Services & Homelessness**

**Wednesday, January 29th, 2020 @ 8:30AM**

**State Capitol, Conference Room 329**

**In consideration of**

**HB 1978**

**Relating to Special Immigrant Juvenile Status**

**Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,**

**I write in strong support of HB 1978. This bill provides needed protection to immigrant youth within our state. It particularly addresses the gap for abandoned or abused immigrant youth(up to 21 years old) allowing them to focus on their education and transition into the workforce without fear of deportation. I know that at my campus and across the state we have many students who would benefit from the legislation. Protecting these vulnerable youth aligns with the values of my community and the values of our state.**

**I believe our state has the opportunity to serve as a national model with this legislation. While finding more humane, just, and compassionate solutions to our current immigration framework is an important national issue, we have the opportunity to make improvements in our state now. We have the opportunity to**

**empower this often neglected, yet vulnerable population. I hope each of you acts with urgency these protections deserve and advance this legislation successfully out of committee.**

**Thank you for your time and consideration. I look forward to following the committee this week as this piece of important legislation makes another significant step forward in becoming law.**

**Justin Brown**

**Career and Technical Education Coordinator**

**Kealakehe High School**

**HB-1978**

Submitted on: 1/26/2020 8:37:19 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danicole Ramos	Individual	Support	No

Comments:

**TESTIMONY IN SUPPORT OF HB 1978**

**HEARING DATE:** January 29, 2020  
**TO:** Rep. Joy San Buenaventura and Members of the House Committee on Human Services and Homelessness  
**FROM:** Trever Asam

Chair San Buenaventura and Members of the Committee,

I strongly urge passage of this bill, which aligns Hawaii law with federal requirements for Special Immigrant Juvenile Status (“SIJS”) to provide protections for vulnerable populations in the State.

Special Immigrant Juvenile Status (“SIJS”) is a designation under federal law that protects young immigrants who have been abused, neglected, or abandoned. It provides a pathway to permanent residence for individuals who obtain an order from a state juvenile court awarding custody or guardianship over them and making certain findings of fact. Under procedures set forth in the Immigration and Nationality Act, juvenile immigrants under the age of 21 may seek a state juvenile court order finding that it is not in their best interest to be returned to their previous country of nationality and that their reunification with one or both parents is not viable because of abuse, neglect, abandonment, or a similar basis found under state law. 8 U.S.C. § 1101(a)(27)(J)(i-ii). Based on these findings, the juvenile immigrant is placed under the custody of a state, individual, or entity appointed by the juvenile court. *See* 8 U.S.C. § 1101(a)(27)(J)(i). This process, if successfully completed, permits the juvenile immigrant to apply for permanent legal residence within the United States of America.

Consistent with the language of the statute, United States Customs and Immigration Service (“USCIS”) has historically accepted applications from individuals under the age of 21 who obtained the requisite state court order. In 2018, however, USCIS began challenging applications of individuals ages eighteen to twenty on the ground that the state courts did not have authority to hear cases where petitioners had reached the age of majority. The result has been mass denials of SIJS petitions for juvenile immigrants over age eighteen.

To safeguard SIJS protections for their residents, several states have enacted SIJS statutes expressly providing state court jurisdiction over immigrants ages eighteen to twenty for purposes of issuing the required SIJS orders:

STATE	CITATION
New York	N.Y. Fam. Ct. Act § 661
Maryland	Md. Code Ann., Fam. Law § 1-201
California	Cal. Prob. Code § 1510.1
Washington	Wash. Rev. Code Ann. § 13.90.010
Nevada	Nev. Rev. Stat. Ann. § 3.2203
Massachusetts	Mass. Gen. Laws Ann. ch. 119, § 39M
Connecticut	Conn. Gen. Stat. Ann. § 45a-608n
Colorado	Colo. Rev. Stat. Ann. § 15-14-204(2.5)

This bill seeks to accomplish the same goal through an amendment to Hawaii’s family court jurisdiction statute, Haw. Rev. Stat. § 571-11. As amended, that statute would read as follows:

Except as otherwise provided in this chapter, the court shall have exclusive original jurisdiction in proceedings . . .

(11) Concerning custody or guardianship of an immigrant child pursuant to a motion for special immigrant juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen years for purposes of section 101(a)(27)(I) of the federal Immigration and Nationality Act. For the purposes of this paragraph, "child" means an unmarried individual under the age of twenty-one years.

The addition of this language makes clear that the Hawaii family court has jurisdiction to hear the necessary motions and take the necessary action on behalf of individuals seeking SIJS.

This bill is modeled after the Maryland statute, which USCIS has indicated meets the requirements of the SIJS statute. *See Matter of E-D-J-B-F*, 2017 WL 2573348 (Administrative Appeals Office [“AAO”] June 5, 2017) (finding that the Maryland SIJS statute expanded jurisdiction over the custody and guardianship of persons under the age of 21 years); *Matter of R-A-C-M*, 2016 WL 2621477 (AAO Apr. 20, 2016) (recognizing the validity of the Maryland SIJS statute).

Through passage of this bill, Hawaii can ensure that the protections of SIJS set forth under federal law are available to some of the State’s most vulnerable residents.

**HB-1978**

Submitted on: 1/27/2020 11:01:34 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karla Viviana Martinez	Individual	Support	No

Comments:

**Statement of**

**Karla Viviana Martinez, Public School Educator**

**Before the**

**Committee on Human Services & Homelessness**

**Wednesday, January 29th, 2020 @ 8:30AM**

**State Capitol, Conference Room 329**

**In consideration of**

**HB 1978**

**Relating to Special Immigrant Juvenile Status**

**Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,**

**I write in support of HB 1978. As the English Language Learners (ELL) Coordinator, I serve immigrant families and play a critical role for our newly immigrated children, known as newcomers. The number of newcomers has increased every year since I started in my role six years ago. Newcomers in South Kona include children that are at the forefront of our national immigration crisis and who entered the U.S. as detainees.**

**I'm tasked with identifying a child's English Language Proficiency. More importantly, I'm the first adult on campus to engage with this child's journey to America. A journey that is often riddled with a fear of deportation, silence,**



poverty, and a disorienting new beginning. I know some of this because I also entered the U.S. illegally and was undocumented for some time. I understand the helplessness of this situation for that child, but cannot begin to imagine what this experience would be like for children who have been abused, neglected or abandoned. These are the children this bill protects.

These adverse experiences have lasting effects on children. I'm proud to be among educators who are determined to create a sense of stability for vulnerable youth like the ones described above. Dr. Martin Luther King Jr. once said that "We may have all come on different ships, but we're in the same boat now." This bill is the start of our cohesive effort to steer the boat in the right and just direction. I would expect that like public educators, all public servants including our state leaders would join this effort. I hope that you can join me by supporting this bill and showing these children the Aloha for which Hawaii is known. I look forward to following the bill's progress out of your committee and to the House floor soon.

**Karla Viviana Martinez**

**English Language Learners Coordinator, Konawaena High School**

**HB-1978**

Submitted on: 1/27/2020 2:49:01 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ed Olson	Individual	Support	No

Comments:

Statement of

**Edmund Olson**

Before the

**Committee on Human Services & Homelessness**

Wednesday, January 29th, 2020 @ 8:30AM

State Capitol, Conference Room 329

In consideration of

**HB 1978**

**Relating to Special Immigrant Juvenile Status**

Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,

I write in strong support of HB 1978. This bill provides needed protection to immigrant youth within our state. It particularly addresses the gap for abandoned or abused immigrant youth (up to 21 years old) allowing them to focus on their education and transition into the workforce without fear of deportation. The children need to be protected. Thank you for voting to give them a chance. We need to be compassionate.

Edmund C. Olson

**HB-1978**

Submitted on: 1/27/2020 2:52:54 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tammy Spaar	Individual	Support	No

Comments:

Statement of

**Tammy Spaar**

Before the

**Committee on Human Services & Homelessness**

Wednesday, January 29th, 2020 @ 8:30AM

State Capitol, Conference Room 329

In consideration of

**HB 1978**

**Relating to Special Immigrant Juvenile Status**

Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,

I write in strong support of HB 1978. This bill provides needed protection to immigrant youth within our state. It particularly addresses the gap for abandoned or abused immigrant youth (up to 21 years old) allowing them to focus on their education and transition into the workforce without fear of deportation. The children need to be protected. Thank you for voting to give them a chance. We need to be compassionate.

Tammy Spaar

**TESTIMONY IN SUPPORT OF HB 1978**

**HEARING DATE:** January 29, 2020  
**TO:** Rep. Joy San Buenaventura and Members of the House Committee on Human Services and Homelessness  
**FROM:** Lisa Swartzfager

Chair San Buenaventura and Members of the Committee,

I strongly urge passage of this bill, which aligns Hawaii law with federal requirements for Special Immigrant Juvenile Status (“SIJS”) to provide protections for vulnerable populations in the State.

SIJS was designed to protect some of the most vulnerable persons living among us -- immigrants under the age of 21 who have been abused, neglected, and/or abandoned by one or both parents. Policy changes have caused some youth who are 18-20 years old to fall through the cracks, depending on state laws regarding the jurisdiction of family courts. This bill will allow Hawaii to ensure that such 18-20 year olds living in Hawaii are able to seek relief that Congress has provided for them through the SIJS statute.

I have had the privilege to represent several teenagers seeking to obtain SIJS. I also currently have one client who is 19 years old and would like to seek SIJS. Learning about the lives of my clients and other young immigrants has been both heartbreaking and incredibly inspiring. Many such persons, not only have to overcome traumatic events from their past, but also live in constant fear of being deported and separated from their families and loved ones. Some of these youth do not even remember another home. Additionally, 18-20 year-old immigrants without lawful status face challenges in attending colleges and obtaining jobs.

SIJS often provides the only avenue for young immigrants to become lawful permanent residents of the United States. A person with lawful permanent resident status can live and work permanently in the United States, travel outside of the United States, is eligible for certain scholarships and other benefits, and can ultimately apply for U.S. citizenship.

Through the passage of this bill, Hawaii can ensure that the protections of SIJS set forth under federal law are available to some of the State’s most vulnerable residents.

**HB-1978**

Submitted on: 1/27/2020 5:21:14 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pat McManaman	Individual	Support	No

Comments:

To: Representative Joy A. San Buenaventura, Chair, Representative Nadine K. Nakamura, Vice Chair and Members of the House Committee

From: Patricia McManaman

H.B. 1978 proposes a straightforward remedy to address recent changes by federal immigration courts that limit access to Special Immigrant Juvenile Status (SIJS). The federal provisions of SIJS, allow immigrant child victims of abuse, neglect or abandonment to secure legal permanent resident status (LPR). Recent immigration court rulings, however, now require states to explicitly authorize their state courts to enter orders concerning the custody or guardianship of an immigrant child and to make specific findings that the child was abused, neglected, or abandoned. Without this remedy, these vulnerable children may be subject to deportation/removal, experience limited access to public and educational benefits and denied work authorization.

During the many years I practiced immigration law, I represented multiple children and young adults eligible for SIJS. One individual was brought to the U.S. by his adoptive parents who owned a small farm. His family removed him from school during his early teens and he was compelled to work on the farm from dawn to dusk. He was taken into custody by child welfare services when his parents left him unattended on the family farm for an extended period of several months without food or money. After determining the adoptive parents never secured legal status for their son, he was eventually awarded LPR status through SIJS. With legal status in hand, he obtained a GED and employment on a Neighbor Island.

Our non-profit office was also involved in a case where a very young foreign-born child was sold, passed through several persons, and eventually brought to the United States. Human trafficking laws had not been enacted at that time and our office successfully employed the SIJS law to gain legal status for this young child.

Vulnerable children deserve our protection. Passage of this measure will ensure this remedy is not lost to immigrant children residing in Hawaii.

Thank you for your support of this measure.



**HB-1978**

Submitted on: 1/27/2020 7:01:03 PM

Testimony for HSH on 1/29/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
michelle jacobson	Individual	Support	No

Comments:

Statement of:

Michelle R. Jacobson, Public School Educator

Before the **Committee on Human Services & Homelessness**

Wednesday, January 29th, 2020 @ 8:30AM

StateCapital, Conference Room 329

In consideration of HB 1978 - Relating to Special Immigrant Juvenile Status

Chairperson San Buenaventura Vice Chair Nadine K. Nakamura, and members of the committee,

I write in support of HB1978. As an English Language Learners and Special Education teacher, I work with immigrant families and teach newly immigrated children on a daily basis. Each year the number of new immigrant children increases, including those who have entered the U.S. as detainees. This situation is at the forefront of our national immigration crisis. Many of these children have been subjected to abuse, neglect, and abandonment. These are the children that this bill will protect. The children are already suffering from past and present experiences and would benefit greatly from stability in their lives. They are smart, compassionate, caring children who add to the growing, and rich diversity that Kona provides. I am asking Hawaii's public servants, including public leaders, to please join me and the many individuals that support this effort to make a difference in the lives of those who need our assistance. I look forward to following the progress of this bill and hope to celebrate it's success in the near future.

Michelle Jacobson

SPED and English Language Learner Teacher, Konawaena High School





Aphirak Bamrungruan  
411 Hobron Lane  
Honolulu, HI 96815  
Phone: (808) 271-2137  
Email: [aphirakb@gmail.com](mailto:aphirakb@gmail.com)

January 27, 2020

The Honorable Joy A. San Buenaventura  
Chair, House Committee on Human Services & Homelessness  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Subject: Testimony in strong support of HB 1978  
Hearing: Wednesday, January 29, 2020, 8:30 a.m.  
Conference Room 329, State Capitol

Dear Chair San Buenaventura and Members of the House Committee on Human Services & Homelessness:

My name is Aphirak Bamrungruan and I am a licensed attorney in State of Hawaii. I submit this testimony in my personal capacity in strong support of HB 1978 – Relating to Special Immigrant Juvenile Status.

HB 1978 clarifies that the Hawaii family court has jurisdiction to hear motions awarding custody or guardianship pursuant for purposes of federal Special Immigrant Juvenile Status (“SIJS”). SIJS is a designation under federal immigration law providing protection to abused, neglected, or abandoned children. This bill is necessary because the bill resolves the issue by clarifying the jurisdiction of the family court to hear the cases. It will also ensure that vulnerable immigrant youth are able to access protections afforded under federal law.

Thank you for the opportunity to provide testimony on this bill.

Respectfully submitted,

Aphirak Bamrungruan

**HB-1978**

Submitted on: 1/28/2020 8:18:17 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Egan	Individual	Support	No

Comments:

My name is John Egan and I am a practicing immigration lawyer. I am submitting this testimony in my personal capacity. As an attorney practicing in this field I can say from personal experience that there are quite a few young migrants here in Hawaii who will benefit from this bill if passed into law. These are some of the most vulnerable of all migrants, and the current system disadvantages them in ways that are inconsistent with the principle of the "best interests of the child." In particular, the systemic inefficiencies and delays inherent in the immigration process create far more "age-out" situations than can be reasonably be accepted by humane and compassionate observers. Please pass this bill. Mahalo.

**HB-1978**

Submitted on: 1/28/2020 8:29:30 AM

Testimony for HSH on 1/29/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Catherine Chen	Individual	Support	No

## Comments:

My name is Catherine Chen, and I am an immigration attorney at the Medical-Legal Partnership for Children of Hawai'i. I am testifying in my individual capacity. This bill is important and necessary because it allows Hawai'i to access protections already granted by federal law to the most vulnerable young members of our society-- young immigrants who have been abused, neglected, or abandoned. For young immigrants in this situation, the threat of an uncertain immigration status exacerbates an already-difficult situation, threatening their health and welfare.

The federal laws explicitly provide a pathway to citizenship for these children under the age of 21. This bill confirms that our state courts' jurisdiction to fact-find for these victims of parental abuse, neglect, or abandonment (something our courts already do) applies to all individuals under the age of 21, and thus allows all those eligible for this protection to access it, including those between the ages of 18 and 20. Giving these vulnerable young immigrants access to citizenship at such a critical point in their lives will allow them to be full members of society without fear or limitations. They can contribute to the economy to the fullest extent of their skills and potential, obtain higher education, and live healthy lives. This is a simple bill, with far-reaching consequences that will improve this state and country.