



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Human Services

Senator Russell E. Ruderman, Chair

Senator Karl Rhoads, Vice Chair

Monday, February 3, 2020 at 3:00 p.m.

State Capitol, Conference Room 016

by

Christine E. Kuriyama

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2677, 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.

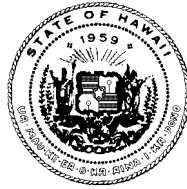
Judiciary's Position:

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 “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

February 2, 2020

TO: The Honorable Russell E. Ruderman
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2677 – Relating to Special Immigrant Juvenile Status**

Hearing: February 3, 3:00 p.m.
Conference Room 016, 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 training of system responders and for support services to the involved minors while they are seeking this classification.

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

TESTIMONY IN SUPPORT OF SB 2677

HEARING DATE: February 3, 2020
TO: Sen. Russell E. Ruderman, Chair, and Members of the Senate Committee on Human Services
FROM: Trever Asam

Chair Ruderman 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.

The bill has received the support of the State Judiciary, the State Department of Human Services, and numerous nonprofit organizations and individuals.

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.

TESTIMONY IN SUPPORT OF SB 2677

HEARING DATE: January 31, 2020

TO: Chair Russell E. Ruderman, Vice Chair Karl Rhoads, and Members of the Senate Committee on Human Services

FROM: Lisa Swartzfager

Chair Russell E. Ruderman, Vice Chair Karl Rhoads, 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 status. 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 status often provides the only avenue for young immigrants to become lawful permanent residents (“LPR”) of the United States. A person with LPR status can live and work permanently in the United States, can 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.



Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Monday, February 3, 2020

Relating to Special Immigrant Juvenile Status
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB2677 Relating to Special Immigrant Juvenile Status**, which specifies that family court has jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile status.

This measure will help align Hawai'i law with federal requirements, ensuring that Hawai'i residents within the ages of 18-20 remain eligible to apply for Special Immigrant Juvenile Status. This status provides a pathway to citizenship for immigrant children under 21 years of age who have been abused, neglected, or abandoned by their parents. A state juvenile court must award custody or guardianship for an individual to begin the process to obtain special immigrant juvenile status. Helping these children is the right thing to do.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

SB-2677

Submitted on: 2/1/2020 1:55:28 PM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amy agbayani	Testifying for Filipina Advocacy Network FAN	Support	Yes

Comments:

COMMITTEE ON HUMAN SERVICES

TESTIMONY SUBMITTED BY AMY AGBAYANI, CO-CHAIR

FILIPINA ADVOCACY NETWORK (FAN)

Chair Ruderman, Vice Chair Rhoads and members of the Committee:

Filipina Advocacy Network (FAN) strongly supports SB2677 **RELATING TO SPECIAL IMMIGRANT JUVENILE STATUS**. FAN advocates for equity, non-discrimination, diversity, and inclusion of Filipinos in our multicultural community. We support SB2677 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 SB2677 which addresses fairness, protection of vulnerable foreign-born youth in our state, including recent immigrants from the Philippines.

I respectfully request your support for SB2677 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 SB2677.

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February 1, 2020

Testimony in Support of Senate Bill 2677 - Relating To Special Immigrant Juvenile Status
Senate Committee on Human Services

An Affiliate of
National Justice
for Our Neighbors

Aloha Chair Ruderman, Vice Chair Rhoads, and members of the committee:

The Legal Clinic provides this testimony in support of SB 2677, 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. SB 2677 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. SB 2677 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. SB 2677 would help protect an especially vulnerable part of that immigrant community.

We urge you to pass SB 2677 out of committee. Thank you.

With Aloha,

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

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Statement of
Taryn Reiner, School Counselor
Before the
Committee on Human Services
Monday, February 3, 2020 @ 3:00pm
State Capitol, Conference Room 016

In consideration of
SB 2677
Relating to Special Immigrant Juvenile Status

Chairperson Senator Russell E. Ruderman, Chair, Senator Karl Rhoads, Vice Chair, and members of the committee,

I write in support of 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.

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

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

February 1, 2020

The Honorable Russell E. Ruderman
Chair, Senate Committee on Human Services
Hawaii State Capitol
Honolulu, Hawaii 96813

Subject: Testimony in strong support of SB 2677
Hearing: Monday, February 3, 2020, 3:00 p.m.
Conference Room 016, State Capitol

Dear Chair Ruderman and Members of the Senate Committee on Human Services:

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 SB 2677 – Relating to Special Immigrant Juvenile Status.

SB 2677 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

SB-2677

Submitted on: 2/1/2020 6:35:02 PM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Brown	Individual	Support	No

Comments:

I write in strong support of SB 2677. 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

SB-2677

Submitted on: 2/2/2020 7:43:28 AM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karla Viviana Martinez	Individual	Support	No

Comments:

I write in support of SB 2677. 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.

Karla Viviana Martinez

English Language Learners Coordinator, Konawaena High School

SB-2677

Submitted on: 2/2/2020 9:22:46 AM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Elkin Pacheco	Individual	Support	No

Comments:

My name is Elkin “Ely” Pacheco Tabora. I support passage of SB 2677 and I want to share my story to inform your decision. I was born in Santa Rosa de Copan, Honduras on June 7, 2000. Our family was poor, so when I was three years old, my father left for the United States to support my mother and me. Over the next few years, he was able to send back enough money that she was able to build a house, and we were able to buy food, clothes and basic needs. I was able to do some work for money which helped.

Over time, I managed to get a few cows and a mule which allowed me to help my mom and to save a small bit of money. However, my father never was able to come back. One of the local gang leaders began to take an interest in my mother. Because the criminal gangs have a lot of power and people are mostly afraid of them, he pushed his way into a relationship with her. Eventually, she went to live with him leaving me on my own. I do not think the relationship was really consensual, and I think he was abusive to her. However, once a gang leader takes an interest in someone, they either join them and have some protection, or they are targeted for trouble, including violence, rape and even murder. That is what happened with my mother. At that time I was 15 years old. I had a hard time supporting myself alone. I tried to make contact with my mother, to ask for some kind of help or guidance, however, the gang leader, would not allow any kind of contact.

Once, gang members were hiding behind some bushes as I came around a curve in the pathway and they stepped out in front of me. They yelled out and then they just shot my mule dead. After the first shot the mule jumped and I was thrown off. Fortunately, I was able to scramble away from the guys and run around behind a nearby house. I heard more shots so I kept running. I did not go back to my house. I went to my grandmother and discussed what to do. In my town, the gangs have really taken over, the police station is closed after the gangs essentially chased them out. There’s really no one you can go to since there are more gang guys than the police, and they have more weapons.

My relatives helped me sell a cow, and together with my savings and some contributions from them, arrangements were made for me to travel out of Honduras to the United States. They wanted to help me, but I also think they wanted me to get away so they would not get into any kind of trouble with gangs themselves if they were seen

to be helping me there in the town. I left Honduras in September 2016 and, after passing through Guatemala and Mexico, made it to the U.S. border in October. About two hours after crossing, the Border Patrol picked me up near McAllen, Texas. I received some assistance there and then was flown to Florida for a few days where there was a facility for young people like me. Eventually, they made contact with my father in Hawaii, and I was flown out to stay with him. I was checked in with the local immigration authorities and enrolled at Konawaena High.

Upon enrolling, I worked diligently to learn English so that I could fully participate in my courses and join other school activities like the soccer team and Hula dance. For two years, I was able to focus on my studies like any other teenager. In the spring of my Senior Year, I received an immigration court notice. Instantly, I was back to living in fear of the gangs in Honduras compounded with the threat of the Immigration and Customs Enforcement. Just a few months before that, my father was deported and still cannot return to the U.S. I assumed many of my father's work responsibilities facilitating worksites. My school supported me with a modified schedule allowing me to work and complete my coursework. With the help of my teachers, I secured pro-bono legal representation; my immediate fear of deportation was halted. I went on to attend the prom and proudly graduate from high school. I currently work to provide for myself and serve my community. A year has passed and my legal team has taken a stand not just for me, but for kids like me. Kids who in spite of being abused, neglected or abandoned seize every opportunity to move forward and make a bright future in Hawaii.

This legislation offers hope and the opportunity to participate fully in our communities. I hope you will advance this piece of legislation and Hawaii can lead the way in protecting vulnerable youth like me. I have worked together with my attorney and a Spanish language translator to develop the English version of this testimony as a true representation of my own story.

Elkin Ely Pacheco Tabora

1/26/2020

SB-2677

Submitted on: 2/2/2020 12:31:52 PM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Egan	Individual	Support	No

Comments:

My name is John Egan and I am a practicing immigration lawyer here in the State of Hawaii. 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 delay inherent in the immigration process create far more "age-out" situations, where eligibility for a benefit is lost due to the passage of time in processing, than can reasonably be accepted by humane and compassionate observers. Please pass this bill. Mahalo.

SB-2677

Submitted on: 2/2/2020 6:21:41 PM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pat McManaman	Individual	Support	No

Comments:

To: Senator Russell E. Ruderman - Chair, Senator Karl Rhoads – Vice-Chair, and Members of the Senate Human Services 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.

SB-2677

Submitted on: 2/2/2020 9:27:51 PM

Testimony for HMS on 2/3/2020 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Danicole Ramos	Individual	Support	No

Comments:

I support this bill because it ensures that vulnerable immigrant youth can access protections afforded under federal law. We must be a compassionate and empathetic state as we were built by immigrants.