



HAWAI'I FRIENDS OF CIVIL RIGHTS

March 20, 2022

TO: **COMMITTEE ON JUDICIARY**
Senator Karl Rhoads, Chair

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

FROM: Amy Agbayani, Co-Chair & Pat McManaman, Co-Chair

SUBJECT: **HB1759 – Relating to Legal Services for Low-Income Immigrants**

HEARING: March 22, 2022 at 9:30 AM
Conference Room 016 & Via Videoconference, State Capitol

The Hawai'i Friends of Civil Rights stands in **Strong Support of HB1759 with a recommendation to insert the phrase “immigrants and non-citizens”** in Section 2, lines 15-16. This addition will clarify the intent of the legislature to provide funding for all immigrants including “non-citizen” residents from the Compact of Free Association.

Immigrants and non-citizens make up 18% of Hawai'i's population and are the backbone of Hawai'i's agricultural workers, nursing assistants, housekeeping cleaners, landscapers, and food preparation workers.¹ In 2018, immigrants and non-citizens contributed \$17.6 billion to Hawai'i's gross domestic product.² Despite these collective contributions, immigration legal

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

² Id.

services are often prohibitively expensive for low and moderate-income immigrants and non-citizens.

Hawai'i has a critical shortage of low-income legal service providers engaged in meeting the diverse legal needs of the immigrant and non-citizen community. These needs include naturalization, asylum, adjustment of status to secure legal permanent residency, and deportation and DACA defense. Immigration law is complex and not easily navigable without legal expertise. Having an attorney in these matters often makes the difference between whether an individual is allowed to remain safely in the United States or is deported to harm or permanently separated from family and children.

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

Thank you for the opportunity to testify on this measure.

Immigrants

are the backbone of Hawaii's agricultural workers, nursing assistants, housekeeping cleaners, landscapers, and food preparation workers.³ And in 2018, immigrants contributed \$17.6 billion to Hawaii's gross domestic product.⁴ Despite these collective contributions, immigration legal services are often prohibitively expensive for low and moderate-income immigrants.

Hawaii has a critical shortage of low-income legal service providers engaged in meeting the diverse legal needs of the immigrant/non-citizens community which include naturalization, asylum, adjustment of status to secure legal permanent residency, and deportation and DACA defense. Immigration law is complex and not easily navigable without legal expertise. Having an attorney in these matters often makes the difference between whether an individual is allowed to remain safely in the United States or is deported to harm or permanently separated from family and children.

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

Sincerely,

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

³ New American Economy, Immigrants and Migrants in Hawai'i: Essential Contributors to the State's Workforce and Economy, May 2021. (Foreign born share of workers in Agriculture 39.3%, in Housekeeping and Cleaning 68.1%, in Nursing Assistance 47.1%, in Food Preparation 39.6%, and 50.2% as Chefs and Head Cooks coupled with 38.9% of Cooks.)

⁴ Id.



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**Testimony in SUPPORT of HB 1759
RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

Hearing Date: 3/22/2022

Dear Committee Members,

We write to SUPPORT **HB 1759**, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants, including representation in asylum and other Immigration Court cases.

Immigrants are important to Hawai`i.

Immigrants make up 18% of Hawai`i's population.¹ They make up 20.8% of essential workers, including 22.7% of healthcare workers.² This includes 47.1% of nursing assistants, 68.1% of housekeeping cleaners, and 50.2% of chefs/head cooks—all critical professions during this COVID-19 pandemic.³ In total, in the year 2018, immigrants contributed \$2.4 billion in total taxes paid and almost \$17.6 billion in GDP.⁴

These contributions come from immigrants of all statuses. There are about 41,246 undocumented individuals in Hawai`i as of 2018, and they are estimated to have paid a total of 110.5 million dollars in taxes that year (\$65.7 million in federal taxes paid, and \$44.8 million in Hawai`i state

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⁴ *Id.* at 8.



and local taxes paid).⁵ Refugees, which were estimated at 7,929 total in Hawai'i in 2018, contributed over \$58.5 million in federal taxes and almost \$34 million in Hawai'i state and local taxes that year.⁶

This bill paves the way for even greater contributions. With assistance to resolve their legal obstacles, these individuals would have the opportunity to focus on their careers, communities, and families in expanded ways.

Most importantly, more than just economic statistics, these individuals are also our friends, neighbors, and family members. 30,000 U.S. citizens in Hawai'i who live with at least one family member who is undocumented.⁷ They are irreplaceable members of our community. This bill honors that.

There is an access to justice gap for low-income immigrants in immigration proceedings.

There is a severe shortage of legal service providers for low-income immigrants in immigration proceedings. A 2007 Hawai'i Justice Foundation report documented the scarcity of legal services for low-income people in Hawai'i in general.⁸ This is particularly pronounced in the field of immigration law. When individuals appear in Immigration Court, the Immigration Judge is required to read out the list of free and low-cost immigration service providers that have made themselves available for individuals appearing in court to contact. That list is blank in Hawai'i,⁹ a state of 1.4 million residents.

In San Francisco, by comparison, there no less than 11 groups providing free immigration services for San Francisco Immigration Court alone.¹⁰ Similarly, 87% of non-detained individuals were represented in New York.¹¹

⁵ *Id.* at 26.

⁶ *Id.* at 28.

⁷ American Immigration Council, *Immigrants in Hawaii*, pg 2, https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_hawaii.pdf (last accessed Feb. 2, 2022).

⁸ “Achieving Access to Justice for Hawaii’s People,” A report of the Access to Justice Hui (2007), available at <http://25shu2g61cw30sjn46t4k87by.wpengine.netdna-cdn.com/wp-content/uploads/2014/07/Access-to-Justice-Hui-Report-10-26-07-Final11.pdf>.

⁹ See Department of Justice list of pro bono legal service providers at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. None are listed for Hawai'i.

¹⁰ *Id.*

¹¹ Ingrid Eagly and Steven Shafer, ACCESS TO COUNSEL IN IMMIGRATION COURT, American Immigration Council (2016), at 8, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.



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Legal assistance and counsel makes a huge difference in immigration proceedings.

Studies have shown the difference representation makes in immigration court, where immigrants with attorneys are vastly more successful at every stage of the process.¹² In an in-depth study on New York Immigration Courts, 74% of represented, non-detained individuals in Immigration Court had successful outcomes, compared to only 13% of unrepresented, non-detained individuals.¹³ The importance of attorneys is even more profound for asylum seekers. For persecution-related relief applications (asylum), 21% of unrepresented non-detained individuals had a successful outcome, while 84% of represented non-detained individuals had successful outcomes.¹⁴ That is a 63% difference in success rate by having legal assistance.

In Hawai'i, we have seen firsthand the difference made by having legal representation in immigration proceedings. There is the story of the single mother to three U.S. citizen children who went through Immigration Court proceedings alone and was ordered deported. She was finally able to find legal assistance in time to fight the deportation order through an appeal, and her lawyer discovered a critical legal error made by the Immigration Court. As a result, her case was eventually dismissed and she no longer faces deportation. Without legal assistance, this single mother would be separated from her three children today.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status. We fully SUPPORT **HB 1759**.

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai'i Coalition for Immigrant Rights

¹² *Id.* at 2.

¹³ ACCESSING JUSTICE: THE AVAILABILITY AND ADEQUACY OF COUNSEL IN IMMIGRATION PROCEEDINGS, New York Immigrant Representation Study Report (2011), at 19, <http://www.humanrightsfirst.org/sites/default/files/5-NYIRS-Report-Part-1-Katzmann-Group.pdf>.

¹⁴ *Id.* at 20.



March 20, 2022

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Senator Jarrett Keohokalole, Vice Chair

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

Hearing Date: March 22, 2022, 9:30 am
Via Videoconference; Conference Room 016

**Testimony in Support of House Bill 1759
Relating to Legal Services for Low-Income Immigrants**

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

The Legal Clinic (“TLC”) submits this testimony in support of HB 1759, which would appropriate funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

TLC provides legal and related services to Hawai'i's low-income immigrant community. Preliminarily, I would like to recommend that House Bill 1759 be amended by inserting the words “and non-citizens” at the end of line 15, Section 2, so that this portion of the bill would read “provide legal counsel and assistance to low-income immigrants **and non-citizens** in immigration proceedings, including deportation defense and asylum, and for any other immigration legal issues.” This addition would clarify the intent of the legislature to provide funding for all immigrants including “non-citizen” residents from nations comprising the Compact of Free Association.

TLC is a relatively new non-profit, having hired our first attorney in late 2019. However, soon after opening our doors, we were overwhelmed with clients, serving about 75 clients, some with multiple matters, in the first six months. The demand has continued, and we have had to postpone and even stop taking new clients for periods of time. We understand that the Legal Aid Society of Hawai'i's immigration unit and other community-based service organizations face similar demands for their immigration related legal services.

It is not surprising that there is such a high demand for these services. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is compared to 13.7% of the U.S. population. Moreover, of our foreign-born population, over 41% (112,050) have not naturalized and become U.S. citizens. According to a study by the University of Southern California a few years ago, Hawai'i was fourth lowest among the states in the likelihood of its non-

citizens naturalizing. Without the rights of citizenship, such as the right to vote, a significant portion of this population faces the anxieties created by the uncertainties of our political situation, including the possibility of deportation even after years of contributing to our society

A potentially more vulnerable portion of Hawai'i's immigrant community consists of those who are out-of-status ("undocumented"). These include residents who are seeking asylum, who have overstayed their visas, and who were brought to the United States as children (Deferred Action for Childhood Arrivals, or "DACA" recipients). While it is difficult accurately to determine the number of undocumented residents, estimates range between 41,000 and 45,000. Of these, as of 2017, Hawai'i had an estimated 600 DACA recipients and as many as 3,600 residents eligible to apply for DACA status.

Another migrant community in need of legal services are the residents from the states comprising the Compact of Free Association ("COFA") – the Federated States of Micronesia, the Republic of the Marshall Islands and Palau. These residents are entitled to migrate to the U.S. under the Compact, which has its origins in the United States' use of these countries for nuclear testing and other military purposes. It is estimated that there are approximately 18,500 COFA residents in Hawai'i, and that they make up the fastest growing portion of our migrant community. The difficulties faced by this rapidly growing community are likely to increase with the not-too-distant expiration of the Compact.

The Covid-19 pandemic has hit the low-income immigrant community particularly hard. Our foreign-born residents are disproportionately impacted by the loss of jobs, lower rates of health care coverage, higher rates of Covid-19 infection, and less access to unemployment insurance and other public benefits due to language barriers and unfamiliarity with the system.

Despite the pressing need for immigration legal services for these growing communities, the available services in Hawai'i are significantly limited. The Legal Aid Society of Hawai'i also has a small legal staff which serves the immigrant community but, like TLC, we understand, is overburdened. The University of Hawai'i law school's Refugee and Immigration Law Clinic also represents a number of immigrants, but its capacity is governed by its primary mission to educate its students.

The lack of legal services leaves many immigrants without representation, which severely affects their ability to obtain relief. For instance, nationwide, according to the American Immigration Council, immigrants with legal representation who petition for legal status are five times more likely to obtain relief from deportation than those without counsel. The Council's 2017 national study showed that only 37 percent of all respondents and only 14 percent of detained respondents in federal immigration hearings had counsel.

While the need for immigration legal services has sharply increased, TLC and other immigration service providers face greater hurdles in fund raising. With all the competing needs, governmental funding and foundation giving are threatened. Private individual giving is increasingly difficult, with in-person fundraising events curtailed.

At a time like this, legal service providers need increased support. We urge you to pass HB 1759 out of committee to help the most vulnerable in our society gain access to justice and move us to a more equitable state for all.

Thank you.

A handwritten signature in cursive script that reads "Corey Park".

Corey Park
President, Board of Directors
The Legal Clinic



Testimony to the Thirty-First Legislature, 2022 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

and

Senate Committee on Human Services
Senator Joy A. San Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair

Tuesday, March 22, 2022, 9:30 a.m.
State Capitol, Conference Room 016
VIA VIDEOCONFERENCE

by:

Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1759, Relating to Legal Services for Low-Income Immigrants.

Purpose: Appropriates funds to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

Judiciary's Position:

The Judiciary supports House Bill No. 1759, which would appropriate moneys to contract with non-profit organizations for legal counsel and assistance to low-income immigrants.

In 2016, the American Immigration Council found that only 37 per cent of immigrants secured legal representation in their deportation proceedings.

While deportation of immigrants is generally a matter of federal, and not state jurisdiction, legal services and other assistance for eligible indigent immigrants are often needed due to the specific needs of this population. For instance, low income immigrants may be subject to domestic violence, human trafficking, sexual assault and other crimes. They may also be subject to discrimination based on national origin, race or other protected class. Thus,

Senate Committees on Judiciary and Human Services and Means
House Bill No. 1759, Relating to Legal Services for Low-Income Immigrants
Tuesday, March 22, 2022
Page two

providing legal assistance and other services to address the myriad needs of low-income immigrants is of great benefit to the persons at risk, as well as our community at large. For this reason, we support this bill.

The Judiciary respectfully requests that any appropriations for this bill not supplant the Judiciary's existing funding and current budget requests.

Thank you for the opportunity to testify on House Bill No. 1759.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

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

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

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON JUDICIARY AND HUMAN SERVICES
ON
HOUSE BILL NO. 1759

March 22, 2022
9:30 a.m.
Room 016 and Videoconference

RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

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

House Bill No. 1759 makes an unspecified general fund appropriation in FY 23 to the Judiciary to contract with non-profit organizations to provide legal services to low-income immigrants in immigration proceedings.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

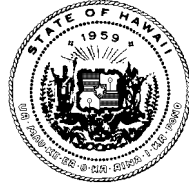
- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

It is further noted that the term "low-income" as applicable to this bill is not well-defined, which may significantly broaden the scope of those individuals who may qualify for legal services assistance under this measure.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 21, 2022

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

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

FROM: Cathy Betts, Director

SUBJECT: **HB 1759 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.**

Hearing: March 22, 2022, 9:30 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, offer comments, and defers to the Judiciary.

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

Immigrants in Hawaii are vital members of the community and the workforce. No matter the reason for immigration, many immigrants faced hardships in their home countries to come to the United States to pursue their dreams and a better life for themselves and their families. Many immigrants have limited English proficiency (LEP), and seeking legal information and resources in English and navigating the court system is not easy.

Immigration laws are complex and evolving depending on the political climate. Eligibility and application requirements continue to change because of the statutory changes. Legal proceedings are also complex, and it is difficult for individuals with LEP to understand the process. Applying for legal status may make these applicants vulnerable as it may expose one's

current legal status, resulting in detainment and deportation that may separate a family unit. It is a stressful process that will traumatize and re-traumatize the applicants and their families.

Additionally, Hawaii has a large migrant population, and DHS encourages that Hawaii's migrant populations have access to these legal services.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

IN REPLY, REFER TO:
OCS 22.1069

March 18, 2022

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

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

Date: Tuesday, March 22, 2022
Time: 9:30 a.m.
Place: Conference Room 016 & Via Videoconference

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

Position: Strong Support

Re: H.B. 1759 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 1759 would appropriate an unspecified sum to the Judiciary for FY 2022-2023 “to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants in immigration proceedings, including deportation defense and asylum, and for any other immigration legal issues.”

II. CURRENT LAW

OCS is not aware of any current Hawaii law that specifically provides appropriations for immigration-related legal services for low-income persons. OCS understands that, currently, such services are provided entirely by non-profit entities using charitable funding for low-income immigrants.

OCS is aware of immigration-law services being provided by the Legal Aid Society of Hawaii, which has absorbed the previously independent Hawaii Immigrant Justice Center. In addition, The Legal Clinic provides a broad range of immigration-law related services in Honolulu, including asylum cases. The UH Richardson School of Law has a Refugee & Immigration Law Clinic. Pacific Gateway Center in Honolulu, and Catholic Charities Hawaii on both Oahu and Hawaii Island, also provide legal services in immigration-related cases.

We should note that “legal services” includes such matters as filling out forms, applications for naturalization and citizenship, adjustment of immigration status, obtaining employment authorizations and other visas, petitions for immigrant relatives, services under the Violence Against Women Act, as well as representation in Immigration Court.

III. COMMENTS ON THE PRESENT BILL

The Office of Community Services was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawai‘i Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii’s society.

OCS is pleased to provide **strong support** for this bill, which would assist one of OCS’s core constituencies, namely immigrants. We believe that the purpose is sufficiently broad, allowing contractors to assist clients regarding “any . . . immigration legal issues.” It is important to maintain such a broad purpose in the bill.

Thank you very much for the opportunity to testify on this valuable measure.



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**Testimony in SUPPORT of HB 1759
RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON HUMAN SERVICES

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Hearing Date: 3/22/2022

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These contributions come from immigrants of all statuses. There are about 41,246 undocumented individuals in Hawai`i as of 2018, and they are estimated to have paid a total of 110.5 million dollars in taxes that year (\$65.7 million in federal taxes paid, and \$44.8 million in Hawai`i state

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⁹ See Department of Justice list of pro bono legal service providers at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. None are listed for Hawai'i.

¹⁰ *Id.*

¹¹ Ingrid Eagly and Steven Shafer, ACCESS TO COUNSEL IN IMMIGRATION COURT, American Immigration Council (2016), at 8, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.



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Legal assistance and counsel makes a huge difference in immigration proceedings.

Studies have shown the difference representation makes in immigration court, where immigrants with attorneys are vastly more successful at every stage of the process.¹² In an in-depth study on New York Immigration Courts, 74% of represented, non-detained individuals in Immigration Court had successful outcomes, compared to only 13% of unrepresented, non-detained individuals.¹³ The importance of attorneys is even more profound for asylum seekers. For persecution-related relief applications (asylum), 21% of unrepresented non-detained individuals had a successful outcome, while 84% of represented non-detained individuals had successful outcomes.¹⁴ That is a 63% difference in success rate by having legal assistance.

In Hawai'i, we have seen firsthand the difference made by having legal representation in immigration proceedings. There is the story of the single mother to three U.S. citizen children who went through Immigration Court proceedings alone and was ordered deported. She was finally able to find legal assistance in time to fight the deportation order through an appeal, and her lawyer discovered a critical legal error made by the Immigration Court. As a result, her case was eventually dismissed and she no longer faces deportation. Without legal assistance, this single mother would be separated from her three children today.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status. We fully SUPPORT **HB 1759**.

Thank you for your support and consideration,

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai'i Coalition for Immigrant Rights

¹² *Id.* at 2.

¹³ ACCESSING JUSTICE: THE AVAILABILITY AND ADEQUACY OF COUNSEL IN IMMIGRATION PROCEEDINGS, New York Immigrant Representation Study Report (2011), at 19, <http://www.humanrightsfirst.org/sites/default/files/5-NYIRS-Report-Part-1-Katzmann-Group.pdf>.

¹⁴ *Id.* at 20.



AMERICANS FOR DEMOCRATIC ACTION

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

March 17, 2022

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

RE: HB 1759 RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS.

Support for hearing on March 22

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

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

Thank you for your favorable consideration.

Sincerely,

John Bickel, President



CATHOLIC CHARITIES HAWAII

TO: Senator Karl Rhoads, Chair Senator Joy A. San Buenaventura, Chair
Senator Jarrett Keohokalole, Vice Chair Senator Les Ihara, Jr., Vice Chair
Committee on Judiciary Committee on Human Services

FROM: Rob Van Tassell, President and CEO

DATE: Tuesday, March 22, 2022 (9:30 a.m., via Videoconference, Conf. Rm. 016)

RE: **IN SUPPORT OF HB 1759, Relating to Legal Services for Low-Income Immigrants**

CCH supports HB 1759, which would provide funding to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants.

Immigrants are very important to Hawaii – they contribute to our economy and our communities. However, they often need legal counsel and assistance to maintain their legal status in the U.S. Imagine how difficult this is for low-income immigrants who are often working more than one job, are often Limited English, and are working toward achieving self-sufficiency and a better life for their families.

Please note that legal immigration services are *in addition to* the cost of filing immigration petitions. It sometimes takes years for a low-income immigrant to save enough money to pay the filing fees, that range from \$410 to 1,200 each. For neighbor island immigrants, there are often additional costs due to travel to Oahu, for required steps such as biometric screening. For example, a neighbor island immigrant applying for U.S. Citizenship needs to be prepared to pay up to \$1,500 out of pocket for filing fee, biometric fee, and required travel to Oahu (at least 2 trips) – this amount does NOT include any fees for the legal services they need to help guide them through the complex path to Citizenship.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been serving people in need in the State of Hawaii since 1947 and has a history of providing services for low-income immigrants, refugees and migrants since 1974. Currently, CCH is one of only two agencies in Hawaii that actively provides legal assistance for low-income immigrants as a U.S. Department of Justice Recognized Organization.¹ We have two of only three Partially Accredited Representatives available in Hawaii. Our Partially Accredited Representative staff are able to assist low-income immigrants on Oahu and Hawaii Island who need assistance with a variety of legal needs - Legal Permanent Residency (i.e. Green Card), Citizenship, and more.

During the pandemic, immigrant clients from Kona have been travelling to CCH's Hilo office in order to receive legal immigration assistance from our one Partially Accredited staff. This often

¹ <https://www.justice.gov/coir/page/file/942306/download#HAWAII>

requires taking an entire day off from work. Although some portions of paperwork can be completed via phone, our staff must meet with immigrant clients in person in order to verify required documents and to explain any positive or negative consequences of filing their legal papers, before she signs the forms as their legal representative.

We are also concerned that the need to file petitions electronically, now optional, is likely to be required by the U.S. Citizenship and Immigration Services (USCIS) in the near future. The low-income immigrant population we serve do not have the equipment or ability to comply, particularly in rural areas of the neighbor islands.

CCH is also concerned that there are some situations that our partially accredited, non-attorney staff are not equipped to handle and a licensed immigration attorney is needed since the client will require representation before the immigration court. Most of our clients are low-income and unable to afford this type of legal representation.

Catholic Charities Hawai`i asks for your support of HB 1759. This bill will fill a gap in services for immigrant members of our community and ensure equitable access to justice.

For more information or questions, please feel free to email Diane Terada, Division Administrator, at diane.terada@catholiccharitieshawaii.org or call her via phone at (808) 527-4702.

Thank you for this opportunity to provide testimony.

HB-1759

Submitted on: 3/16/2022 1:04:20 PM

Testimony for JDC on 3/22/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
L Basha	Individual	Support	Written Testimony Only

Comments:

This measure will benefit our community and save Hawai'i in the long run. It is the right thing to do.

Lawrence Basha

Kailua

8083843271

HB-1759

Submitted on: 3/16/2022 10:33:26 PM

Testimony for JDC on 3/22/2022 9:30:00 AM

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

Comments:

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

I write to SUPPORT HB 1759, which appropriates funds to the judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants, including representation in asylum and other Immigration Court cases.

Immigrants are an extremely important to Hawai`i, contributing to our economy and our communities. As a working professional in Hawai`i, I have benefited from the work my immigrant parents did to make a new home in the US, and I continue to contribute to the economic and social robustness of Hawai`i.

For many immigrants, the steps to continued residence are complicated, as the law is extremely complex. It is well-documented that immigrants who have legal counsel and assistance in immigration proceedings are more successful at every step. As the son of Vietnamese refugees, I can attest to the importance of accessible legal and immigration resources.

This bill fills a necessary gap in services to the immigrant members of our community. Access to justice should not depend on the ability to pay or citizenship status.

With gratitude,

Thaddeus Pham (he/him)

HB-1759

Submitted on: 3/16/2022 7:59:11 PM

Testimony for JDC on 3/22/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

No Services For ILLEGALS PERIOD!!