



The Judiciary, State of Hawai'i

Testimony to the Thirty-First Legislature, 2022 Regular Session

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, February 23, 2022, 10:05 a.m.
State Capitol, Conference Room 211
VIA VIDEOCONFERENCE

WRITTEN TESTIMONY ONLY

by:

Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 2458, S.D. 1, Relating to Legal Services for Low-Income Immigrants.

Purpose: Appropriates \$250,000 to the Judiciary to contract with non-profit organizations to provide legal counsel and assistance to low-income immigrants. Defines "low income" to mean a person whose family income is no more than the federal poverty level. Effective 12/31/2050. (SD1)

Judiciary's Position:

The Judiciary supports Senate Bill No. 2458, S.D. 1 which would appropriate \$250,000.00 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, 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 and thank you for the opportunity to testify on Senate Bill 2458, S.D.1.

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 COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2458, S.D. 1

February 23, 2022
10:05 a.m.
Room 211 and Videoconference

RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

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

Senate Bill No. 2458, S.D. 1, makes a \$250,000 general fund appropriation in FY 23 for the Judiciary to contract with non-profit organizations to provide legal services to low-income immigrants in proceedings, including asylum, deportation, and other legal issues related to immigration.

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.

Thank you for your consideration of our comments.



HAWAI'I FRIENDS OF CIVIL RIGHTS

February 21, 2022

TO: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice-Chair

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

SUBJECT: **SB2458, SD1 – RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

HEARING: February 23, 2022, 10:05 AM
Conference Room 211 & Via Videoconference, State Capitol The Hawai'i

The Hawai'i Friends of Civil Rights stands in **Strong Support of Senate Bill 2458 SD1**. Immigrants 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 And in 2018, immigrants contributed \$17.6 billion to Hawai'i's gross domestic product.² Despite these collective contributions, immigration legal services are often prohibitively expensive for low and moderate-income immigrants.

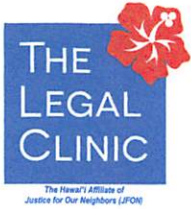
Hawai'i has a critical shortage of low-income legal service providers engaged in meeting the diverse legal needs of the immigrant community which include naturalization, asylum, adjustment of status to secure legal permanent residency, and deportation and DACA defense. Immigration law is complex and not easily navigable without legal expertise. Having an attorney in these matters often makes the difference between whether an individual is allowed to

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.

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!



February 21, 2022

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COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair

Hearing Date: February 23, 2022, 10:05 a.m.
Via Videoconference; Conference Room 211

**Testimony in Support of Senate Bill 2458, Senate Draft 1
Relating to Legal Services for Low-Income Immigrants**

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

The Legal Clinic (“TLC”) submits this testimony in support of SB 2458, SD 1, which would appropriate \$250,000 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- and moderate-income immigrant community. We are 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 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 SB 2458, SD 1, 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 black ink that reads "Corey B Paul". The signature is written in a cursive style with a large, stylized 'C' and 'P'.

Corey Park
President, Board of Directors
The Legal Clinic



PACIFIC GATEWAY CENTER

**Testimony in SUPPORT of SB2458 SD1, RELATING TO LEGAL SERVICES FOR
LOW-INCOME IMMIGRANTS**

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: 2/23/2022

Dear Committee Members:

Chair De la Cruz and Vice-Chair Keith-Agaran,

Pacific Gateway Center writes to SUPPORT SB2458 SD1, 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. For many immigrants, the steps to handling immigrant issues such as legal pathways to citizenship, family reunification, adjustment of status to legal permanent residence, among many others, 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.

Pacific Gateway Center has first-hand knowledge and experience with their immigration needs as a recognized agency of the Department of Justice with an accredited representative on staff. This allows our organization to provide legal immigration services without an attorney on staff to the indigent population. We provide these services at very nominal fees or at no cost and will not turn anyone away for inability to pay. Immigrants come to PGC needing legal services filled with angst, uncertainty, and bewildered. There are a myriad of applications to the United States Citizenship and Immigration Services (USCIS), most around 15-20 pages, all in English, and the questions are difficult to comprehend even in English. Submissions must include checklists of evidence. Therefore, for the limited-English proficient, it is a grueling experience without legal support. Our clients include veterans, victims of domestic violence, refugees, asylum seekers, and the homeless (on the neighbor islands as well).

For the State of Hawaii, there are only 3 accredited representatives from two non-profit organizations who provide this service; that is Catholic Charities has 2 (with one on the Big Island, one on O'ahu) and one employed at Pacific Gateway Center. As 1 out of 5 persons living in Hawaii are foreign-born, this statistic signifies the magnitude of the need.

Immigrants are an extremely important to Hawai'i, contributing to our economy and our communities. Please note:

- 18% of the entire population of the State of Hawai'i. (2021 NAE report)

- In Hawai'i, immigrants are 20.8% of essential workers, including 22.7% of healthcare workers.
 - Within the healthcare industry, immigrants accounted for 47.1% of Nursing Assistants, 23.4% of Registered Nurses, and 20.1% of Physicians.
 - Within other essential industries, immigrants accounted for 68.1% of Housekeeping Cleaners (ensuring our businesses are safe, disinfected, and accessible), and 50.2% of Chefs/Head Cooks.
- 30,000 U.S. citizens in Hawaii who live with at least one family member who is undocumented ([AIC Report](#)). Hawai'i has 41,000 undocumented individuals; 4,200 DACA-eligible individuals (2021 NAI report)
- 24% of Hawaii's entrepreneurs are immigrants. Pacific Gateway Center is currently working with 36 immigrant family farms.

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. I fully SUPPORT SB 2458 SC1.

Thank you for your support and consideration,



En Young
Executive Director



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB 2458 SD1
RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS**

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: 2/23/2022

Dear Committee Members

We write to SUPPORT SB 2458 SD1, 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 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

¹ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 3, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

² New American Economy, *A Snapshot of the Immigrant Population of Hawai`i*, at 3-4, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/08/Hawaii_COVID_Brief-v8.pdf (last accessed Feb. 2, 2022).

³ *Immigrants and Migrants in Hawai`i*, *supra* note 1 at 13.

⁴ *Id.* at 8.

⁵ *Id.* at 26.

⁶ *Id.* at 28.



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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

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

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.

¹² *Id.* at 2.



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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 SB 2458 SD1.

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

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.

SB-2458-SD-1

Submitted on: 2/22/2022 9:59:24 AM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Liza Ryan Gill	Testifying for HI Coalition for Immigrant Rights	Support	No

Comments:

Dear Committee Members

We write to SUPPORT SB 2458, 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. They make up 20.8% of essential workers, including 22.7% of healthcare workers. 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. In total, in the year 2018, immigrants contributed \$2.4 billion in total taxes paid and almost \$17.6 billion in GDP.

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 and local taxes paid). 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.

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. 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. 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, 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. Similarly, 87% of non-detained individuals were represented in New York.

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. 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. 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. 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 SB 2458.

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



CATHOLIC CHARITIES HAWAII

TO: Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

FROM: Rob Van Tassell, President and CEO

DATE: Wednesday, February 23, 2022 (10:05 a.m., Conference Rm. 211 & Videoconf)

RE: **IN SUPPORT OF SB 2458, SD1, Relating to Legal Services for Low-Income Immigrants**

CCH supports SB 2458, SD1, which would provide \$250,000 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/eoir/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 SB 2458, SD1. 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.

SB-2458-SD-1

Submitted on: 2/20/2022 11:54:06 AM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cynthia J. Goto	Individual	Support	No

Comments:

Strong support.

Testimony in support of
SB 2458 SD 1 Legal Services for low income immigrants
Submitted by: Amy Agbayani

I want to thank the Filipino Legislative Caucus for supporting HCR 169 requesting a report to the 2022 legislature on immigration inclusion and equity. The report identified legal services for low income immigrants as a needed service. I also appreciate the Filipino Legislative Caucus for including his bill in their 2022 package. SB 2458 provides needed legal resources to the immigrant community to protect their rights, support their families and contribute to our community.

I support SB 2458 SD 1 which provides funding to the Judiciary to contract with non-profit agencies to provide legal services for low-income immigrants. About half of the immigrants are from the Philippines and the other half are from many other countries including Japan, China, Korea and the Pacific Island. Recent immigrants face significant barriers to equal and full participation and fair treatment. Immigrants, particularly those who may have visa issues are vulnerable because of their status, low-income, lack of English ability, unfamiliarity with community resources and the legal system. These vulnerable immigrants have none or very limited access to legal assistance and many are unaware of their rights and responsibilities.

In 1906 fifteen men left the Philippines and came to Hawai'i to work on the plantations. Since then thousands of Filipinos, their children and grandchildren have become citizens and residents of the state. Filipinos (26% alone and mixed) are now the second largest ethnic group in the state (after White/Caucasians). Since the 1965 major amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state

annually. One estimate is that 40% of the undocumented people in our state are from the Philippines. Many are in mixed status households (a spouse or a child may be a US citizen or legal resident), most are Catholic and some are Muslims. They are our neighbors, colleagues, students, workers, caregivers and taxpayers.

Immigrants (both documented and undocumented) are “crucial” to the welfare of our nation and our state. Data shows that immigrants in general make major contributions to our state but those dealing with immigrant status issues cannot fully participate, many are threatened with family separation, many do not know their legal rights or ways to regularize their status. Changes in policy and practice at the national level will increase problems and opportunities for Hawai’i immigrants and their families.

Please support SB 2458 as funding for legal services for low income immigrants, including deportation and asylum cases fills a critical need. Access to legal counsel for immigrants in immigration proceedings is necessary to assure immigrants have a fair hearing and able to access their legal rights and responsibilities. This assistance will benefit not only these individual immigrants but their families and our community.

Thank you for this opportunity to express our appreciation to your committee for hearing this bill and respectfully request you support funding legal services to low income immigrant communities in our state.

SB-2458-SD-1

Submitted on: 2/20/2022 9:46:18 PM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Thaddeus Pham	Individual	Support	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the the WAM Committee,

I write to SUPPORT SB2458 SD1, 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. I fully SUPPORT SB2458 SD1.

With gratitude,

Thaddeus Pham (he/him)

SB-2458-SD-1

Submitted on: 2/21/2022 4:08:25 PM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Robert Egan	Individual	Support	No

Comments:

Testimony in SUPPORT of SB 2458 SD1

RELATING TO LEGAL SERVICES FOR LOW-INCOME IMMIGRANTS

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing Date: 2/23/2022

Dear Committee Members:

I write to SUPPORT SB2458 SD1, 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 make up over 18% of our Hawaii population and they make outsized contributions to our economy and our communities. However, the road to full integration of immigrants and refugees is often made difficult by the overly complex and stressful legal processes they face. It is well-documented that immigrants who have legal counsel and assistance in immigration proceedings are more successful at every step.

Low-cost legal assistance for this group has expanded in recent years, for which we should all be grateful, and yet the need continues to outstrip the resources allotted.

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. I fully SUPPORT SB2458 SD1.

Thank you for your support and consideration,

John Robert Egan, Immigration Lawyer and Educator

SB-2458-SD-1

Submitted on: 2/21/2022 5:30:38 PM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

No help for Illedals Period or we the people will removeing all who are in Favor of this!!

SB-2458-SD-1

Submitted on: 2/21/2022 6:39:17 PM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Siera Alaibilla-Lagundino	Individual	Support	No

Comments:

Joy A. San Buenaventura, Chair

Karl Rhoades, Chair

Members of the Senate Committee on Human Services

Members of the Senate Committee on Judiciary

Wednesday, February 23 2022 at 10:05 AM

Support for S.B 2458 S.D 1, Relating to legal services for low-income immigrants

I write this testimony in support of S.B 2458 S.D1 for the purpose of providing legal counsel and assistance to low-income immigrants by appropriating funds to the judiciary to contact with non-profit organizations.

In Hawai'i, immigrants make up a good percentage of our population and many lack the essential resources and services in regard to legal matters. Oftentimes, immigrants have to navigate the United States' complex immigration system on their own while also arguing their own cases in court. It is crucial for immigrants to have access to legal counsel and support. Legal representation can make a huge difference when it comes down to an individual being able to remain safely in the United States. Legal counsel will be of great benefit in supporting immigrants as this allows a higher chance for fair hearings and overall justice.

This bill would be of great benefit as it addresses immigrants' needs in Hawai'i. I am in full support of S.B 2458 S.D1. Thank you for this opportunity to testify.

Siera Alaibilla-Lagundino

SB-2458-SD-1

Submitted on: 2/22/2022 8:30:09 AM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Valerie Rose	Individual	Support	No

Comments:

I write to SUPPORT SB2458 SD1, 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. 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.

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. I fully SUPPORT SB2458 SD1.

SB-2458-SD-1

Submitted on: 2/22/2022 10:29:14 AM

Testimony for WAM on 2/23/2022 10:05:00 AM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Taylor Brack	Individual	Support	No

Comments:

I support SB2458. Legal services for immigrants are desperately needed. This measure will help keep families intact and it is the proper investment needed for our immigrant neighbors.

LATE

SB-2458-SD-1

Submitted on: 2/23/2022 8:32:44 AM

Testimony for WAM on 2/23/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
April Bautista	Individual	Support	No

Comments:

I am in strong support. I hope the Committee on Ways and Means considers passing this much needed community benefit.

Thank you,

April Bautista

828 Puuhale Rd.

Honolulu, HI 96819