STAND. COM. REP. NO. 2796

Honolulu, Hawaii

FEB 2 9 2008

RE: S.B. No. 3197

S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

## Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 3197, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IMMIGRATION CONSULTANTS,"

begs leave to report as follows:

The purpose of this measure is to ensure that immigrants receive proper immigration services and consultation by prohibiting individuals without training or experience in immigration law from rendering advice to immigrants regarding their immigration issues.

Testimony in support of this measure was submitted by Catholic Charities of Hawaii.

Your Committee finds that immigrants in Hawaii sometimes fall prey to notary publics or travel agents who assist them in their immigration matters, only to receive poor, inaccurate, or unqualified advice. Prohibiting individuals without training or experience in immigration law from rendering advice on immigration matters will provide a safeguard for immigrants who are in the immigration process.

Testimony indicates that nonprofit, religious, charitable, social service, or similar organizations recognized by the U.S. Department of Justice, Board of Immigration Appeals may apply for the accreditation of individuals of good moral character as its representatives. These accredited individuals are authorized to provide limited representation of an organization's clients before the Department of Homeland Security's Citizenship and Immigration Service and before the Board of Immigration Appeals, which includes practice before immigration judges. These accredited individuals serve a vital need in the immigration community, especially when individuals and their families do not have sufficient funds to afford the services of an immigration attorney.

Your Committee has amended this measure by:

- (1) Limiting the exclusion applicable to attorneys, to those who are licensed to practice in Hawaii;
- (2) Limiting the exclusion applicable to paralegals or other employees of an attorney, to those who work for an attorney licensed to practice law in Hawaii; and
- (3) Amending the effective date to July 1, 2050, for purposes of facilitating further discussion and clarification.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3197, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3197, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*  SB 3197 SD1			Da		2-08
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)		/			V
GABBARD, Mike		V			
KOKUBUN, Russell S.					V
NISHIHARA, Clarence K.		V			
SLOM, Sam					
TOTAL		4		0	2
Recommendation:  Adopted Not Adopted					
Chair's or Designed's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes