

Late

**HAWAII IMMIGRANT JUSTICE CENTER**  
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February 1, 2009

TO: Chair Mizuno, Vice Chair Brower, and Members of the Committee on Human Services  
FROM: Calleen J. Ching, Attorney  
RE: H.B. 872, RELATING TO THE FEDERAL VIOLENCE AGAINST WOMEN ACT  
HEARING DATE: February 2, 2009, 8:15 a.m.

The Hawaii Immigrant Justice Center, formerly Na Loio Immigrant Rights and Public Interest Legal Center, would like to offer testimony for informational purposes on the beneficial effects of this proposed bill, which would help undocumented victims of domestic violence and sexual assault. For the past 25 years, the Hawaii Immigrant Justice Center (HIJC) has been Hawaii's only legal services agency providing pro bono immigration and related civil legal services to indigent immigrants throughout the State, with a priority for the serving the most vulnerable, immigrant victims of domestic violence and sexual assault.

In the past year, HIJC has seen a 40% increase in the number of immigration cases for immigrant victims. 40% of the cases were undocumented immigrants, or those who have no authority to stay in the U.S., who received critical immigration help in canceling their removal proceedings in Immigration Court, and/or filing petitions under the Violence Against Women Act or U, and crime victim, visas.

Other domestic violence service providers are also reporting a rising number of immigrants, both documented and undocumented, seeking services; the safety of these immigrant victims is compounded by "language barriers, differences in cultural/religious norms, legal issues, their isolation and unfamiliarity with the local/cultural system."<sup>1</sup> The crucial need services is further highlighted a recent statewide survey that found that Hawaii's immigrants are at heightened risk for sexual violence, and are one of four groups most impacted by sexual assault in the State.<sup>2</sup>

Recognizing that immigrant victims need an array of services to help them leave their abusive situations and live lives of safety and independence, HIJC obtained funding

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<sup>1</sup> Hawaii Department of Human Services, "Family Violence Prevention and Services Grant, FY 2008 Performance Report," December 2008.

<sup>2</sup> Charlene Baker, "Sexual Violence Prevention Assessment, Phase I," prepared for the Hawaii State Department of Health, July 14, 2008.

from the federal Office of Violence Against Women, Department of Justice, under the Legal Assistance to Victims program, to provide coordinated and comprehensive legal and supportive assistance to immigrant victims. HIJC offers legal services in immigration, including battered spouse and crime victim visas, work authorizations, and permanent resident status, and related civil issues; it partners with the following agencies and individuals for other vital services: for family law representation, including restraining orders, divorces and contested custody cases, Domestic Violence Action Center on Oahu; the Legal Aid Society of Hawaii on Kauai; and three experienced private pro bono family law attorneys on the Big Island and Maui; for domestic violence shelter and advocacy services, such as help in finding housing and completing employment applications, Child and Family Service on Oahu and the Big Island, Women Helping Women on Maui; and the YWCA on Kauai; for crisis response, Sex Abuse Treatment Center on Oahu. Since its initiation in 2004, the collaboration has helped more than 200 immigrant victims to safety.

In addition, HIJC is working with the Chinese immigrant community on Oahu to inform them about domestic violence and sexual assault community resources through its Chinese Family Violence Awareness Project. The Chinese are the second largest ethnic population in the State; yet the number of Chinese immigrants reporting domestic violence and sexual assault is considerably less than the corresponding percentage of population. In a conference organized by HIJC, Chinese immigrant community leaders identified “shame” as the top barrier to domestic violence and sexual assault victims accessing services. In response to the Chinese immigrant community’s needs, HIJC offers language appropriate immigration legal services and case management and advocacy services to reduce the barriers to services for Chinese immigrant victims.

Perhaps the plight of undocumented victims is best demonstrated by a client who stated, after her case was completed, that HIJC gave her “hope.” Though she had lived here for years with her spouse, who had immigrations status, he refused to file the appropriate immigration documents for her to stay in the country. Her husband also physically abused both her and their minor children. Finally, he finally reported her to Immigration to have her removed from the country. Scared that her abusive husband would obtain custody of her children, she sought HIJC services; our office was able to help her obtain immigration status as an abused spouse, a work card, and permanent resident status. She recently completed a degree in a medical field, and is looking forward to giving back to her community, new home. Her children are also receiving their college degrees, safe from their abusive father. HIJC would also like to give others like her “hope” for a better and safer life.

Services under this proposed project should be language accessible and in conformance with the state and federal language access law. Without the assurance of equal access to services, immigrant victims who are limited English proficient will have services essential to their safety either delayed or denied.

Thank you for allowing us to testify on this bill.

Late

**Cynthia Nyross**

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**From:** Dara Carlin, M.A. [mailto:dc@hawaii.edu]  
**Sent:** Sunday, February 01, 2009 10:23 PM  
**To:** HUSTestimony  
**Subject:** HB872 to be heard MONDAY, 02/02/09 at 8:15am by the House Committee on Human Services

**Importance:** High

TO: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Dara Carlin, M.A.  
881 Akiu Place  
Kailua, HI 96734  
(808) 218-3457

DATE: February 2, 2009

RE: Support for HB872

The Violence Against Women Act (VAWA) acknowledged undocumented immigrants as a specific at-risk population that is easily marginalized and overlooked, yet to learn the details of these cases is to take a glimpse into the world of victims who do not only lack voices but the adequate language to communicate their plights, and all of this takes place under the threat of deportation.

Hawaii has a unique geographic location; one of the furthest western points of the United States and the closest point to The East (not to mention all the Pacific Islands that surround it) and our island culture is a combination of many. Just as this richness of diversity makes us so unique from other states, it also provides some unique challenges not commonly experienced by our mainland states with language barriers taking a forefront. Adjusting and accommodating to just this one issue - language barriers - in absence of any problems or crises is difficult enough, but toss in domestic violence and now the issue is not a matter of inconvenience, but one of life and death.

Thankfully VAWA recognized this unique set of circumstances and made accommodations for it. Because of our position, a Pilot Project focusing on undocumented immigrants in Hawaii would not only provide us with valuable information but would contribute information vital to VAWA's efforts in ending domestic violence for those who had hopes of love, peace and freedom in this country but received terror, abuse and slavery instead.

Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

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**TESTIMONY IN SUPPORT OF HB872**

I support HB872, because it would allow undocumented immigrants who are victims of domestic violence or sexual assault to be protected and will allow for either the Department of Human Services or a Domestic Violence Protection agency to assist undocumented immigrants and finally provide an option for these victims.

Josephine Besario  
Resident of Hawaii