



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Finance**

Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Tuesday, February 25, 2020, 11:00 a.m.  
State Capitol, Conference Room 308

by  
Rodney A. Maile  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2380, H.D.1, Relating to Immigration.

**Purpose:** Makes an appropriation to the Judiciary to contract with nonprofit organizations to provide legal assistance and legal counsel to immigrants in determining legal status and citizenship, provide diversion to existing services, and otherwise provide counsel for existing rights.

**Judiciary's Position:**

The Judiciary supports the intent of House Bill No. 2380, H.D. 1 to appropriate funds for legal assistance and legal counsel to immigrants.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE E. PERREIRA- EUSTAQUIO  
DEPUTY DIRECTOR

JOVANIA DOMINGO DELA CRUZ  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**OFFICE OF COMMUNITY SERVICES**

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February 24, 2020

To: The Honorable Sylvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair, and  
Members of the House Committee on Finance

Re: **HB 2380, HD 1**, Relating to Legal Services for Low-Income Immigrants

Hearing: Tuesday, February 25, 2020, 11:00 a.m., Room 308

Position: **Strong Support**

Aloha, Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Office of Community Services (OCS), by its founding statute, HRS Chapter 371K, is committed to serving the immigrant communities in the State of Hawaii, as well as other underserved communities. The present bill would provide an appropriation of an unstated amount to the Hawaii Judiciary to contract out with one or more non-profit organizations to provide legal counsel to low-income immigrants to assist and represent them in immigration proceedings as well as provide assistance to them on immigrant status issues.

OCS has had many years' experience in procuring and administering legal services programs to low-income people through non-profit organizations, primarily the Legal Aid Society of Hawaii (LASH). We are currently administering twin programs jointly with the State of Hawaii Department of Human Services, with LASH as the contractor, for children and their families/caregivers in need of legal services. OCS would be able to administer such a program if the designation changes from Judiciary to OCS. We would simply ask that we be allowed to use a modest ten percent of the grant for administrative costs.

OCS **supports the intent of this bill**, so long as it does not conflict with the priorities identified in the Governor's Supplemental Budget request. Thank you for the opportunity to testify on this measure.

Respectfully,

Jovanie Domingo Dela Cruz  
Executive Director

Testimony in support of HB2380 hd1 submitted by  
Amy Agbayani, co-chair  
Filipina Advocacy Network (FAN)

My name is Amy Agbayani, co-chair of the Filipina Advocacy Network (FAN) in support of HB2380 hd1. We support HB2380 which provides funding to the Judiciary to contract with non-profit organizations to provide legal assistance to immigrants. We prefer that the appropriation be to the Department of Labor and Industrial Relations Office of Community Service rather than to the Judiciary. The DLIR Office of Community Services includes immigrants and refugees within its scope of responsibilities and has extensive experience and expertise working with non-profit service providers serving low income communities.

FAN advocates for equity, non- discrimination, diversity, and inclusion of Filipinos in our multicultural state. We thank the Filipino House legislative caucus for including this bill among its priorities. supporting this bill providing needed legal resources to the immigrant community to protect their rights and support their families.

FAN is very concerned that immigrants, including members of the Filipino community who are recent immigrants, will face even more barriers to equal and full participation and fair treatment. Immigrants, particularly those who may have visa issues, low-income, lack of English ability, unfamiliar with community resources and the legal system. These vulnerable immigrants have no access or very limited access to legal assistance and unaware of their rights and responsibilities. FAN also supports efforts of individuals who are eligible for citizenship but have difficulty with the naturalization process.

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). The majority of Filipinos in Hawai'i are US citizens (native born or naturalized).

Since the 1965 major amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state annually. Most Filipino immigrants have legal status but a small percentage are undocumented. 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 HB2380 hd1 as funding for legal services for low income immigrants 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.

We are in support of HB2380 hd1 which provides funding to the Judiciary to contract with non-profit organizations to provide legal assistance to immigrants but prefer that the appropriation be to Department of Labor and Industrial Relations which houses the Office of Community Services. The Office of Community Services includes immigrants and refugees within its scope of responsibilities and has extensive experience and expertise working with non-profit service providers serving low income communities.

We want to take this opportunity to express our appreciation to your committee for your past support for legal assistance to low income immigrant communities in our state. We respectfully request approval of Hb2380 hd1 with an amendment to appropriate funds to the department of labor and industrial relations rather than the Judiciary.



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February 22 , 2020

TO: Honorable Chair Luke and FIN Committee Members

RE: HB 2380 HD1 Relating to Immigration

Support for hearing on Feb 25

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 HB 2380 HD1 as it would to contract with non-profit service providers for legal counsel to assist and represent low-income immigrants in immigration proceedings and immigrant status issues. Given the current state of the federal government, immigrants are in dire need of legal help. We appreciate the efforts that are made by this bill.

Thank you for your favorable consideration.

Sincerely,

John Bickel President







*An Affiliate of  
National Justice  
for Our Neighbors*

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February 21, 2020

**Testimony in Support of House Bill 2380, HD 1 – Relating to Immigration**  
House Committee on Finance

Aloha Chair Sylva Luke; Vice-Chair Ty J.K. Cullen; and Members of the Committee

This testimony is presented on behalf of The Legal Clinic (“TLC”). TLC is a new non-profit organization which provides legal, educational and related services to the low-income immigrant community in Hawai'i.

We strongly support the passage of HB 2380, HD 1, which makes an appropriation to the judiciary to contract with nonprofit organizations to provide legal assistance to immigrants.

Hawai'i ranks 6th nationally in the percentage of the foreign-born among its residents. Nearly one in five Hawai'i residents is an immigrant (approximately 256,700 residents), while more than one in seven is a U.S.-born citizen with at least one immigrant parent.

While Hawai'i ranks high, percentage wise, in the number of immigrants, it ranks low (4th lowest in the nation) in the number of those residents who become naturalized citizens. Forty two percent of our immigrants (approximately 108,000 residents) are not U.S. citizens. As such, they remain vulnerable to the ever-changing immigration policies which have become increasingly restrictive.

Confronting the immigration system can be a complicated and daunting process. Application for naturalization (there are an estimated 54,000 of our residents who are eligible to apply) requires an extensive 20-page form calling for detailed personal and other information, including work and travel history, membership in organizations, beliefs, and other information. Documents supporting the application must also be submitted. Similarly, those who seek to obtain permanent legal status (“green cards”) or family reunification or asylum must endure an extended and difficult bureaucratic process. And, a mishap in these processes could result in removal if information is not presented in the proper way.

Moreover, for those who are brought into the immigration system because of questions about their legal status, legal counsel is even more important. Nationwide, there is a backlog of 700,000 people awaiting immigration court proceedings. Most cannot afford legal assistance, but being represented makes a significant difference in the outcomes of these proceedings. In 2016, 90% of those who were denied asylum had no legal representation, while 48 % of those with legal counsel were denied (Center for American Progress).

It goes without saying that legal counsel is not only expensive, but also hard to come by. In Hawai'i, there are few practicing immigration attorneys. And, because of the realities of earning a living, there are almost none who provide free legal services to our indigent immigrants. (The Honolulu Immigration Court's list of attorneys who are available to provide free legal services, which it is required to hand out to respondents appearing before it, contains no attorneys.) The few non-profit organizations that provide immigration related services are limited in their provision of legal services, and the main provider of legal services to the poor (Legal Aid Society's Hawai'i Immigration Justice Center) is restricted by its federal funding from assisting undocumented residents, unless they are subject to abuse, crime or trafficking.

There is an urgent need in Hawai'i for accessible and affordable legal counsel and related services for low-income immigrant residents. We respectfully request that you pass HB 2380, HD 1, providing for an appropriation for contract services for legal assistance to immigrants.

Thank you.

A handwritten signature in black ink, appearing to read 'Corey Y.S. Park', with a stylized flourish at the end.

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



**HB-2380-HD-1**

Submitted on: 2/24/2020 11:59:08 AM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beppie Shapiro	League of Women Voters Hawaii	Support	No

## Comments:

With the current federal administration making it increasingly difficult for immigrants to the USA, we find it advisable for states to assist immigrants in understanding and following the necessary procedures. This bill is important in providing this assistance.

# Filipinos for Affirmative Action

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## TESTIMONY IN STRONG SUPPORT OF HB 2380, HD1

### House Committee on Finance

February 25, 2020

11:00 am

Hawai`i State Legislature

Hawai`i State Capitol, Conference Room 308

**To:** Chair Sylvia Luke  
Vice-Chair Ty J. K. Cullen  
Committee on Finance Members: Stacelynn K. M. Eli, Cedric Asuega Gates, Troy N. Hashimoto, Daniel Holt, Lisa Kitagawa, Bertrand Kobayashi, Bob McDermott, Scot Z. Matayoshi, Nadine K. Nakamura, Scott Y. Nishimoto, Chris Todd, Tina Wildberger, Kyle Yamashita

**From:** Agnes Malate, PhD  
armalate@yahoo.com

The Filipinos for Affirmative Action's mission is to advocate for the civil rights of all in our multicultural community. We firmly support *HB 2380, HD1 Relating to Immigration*.

My parents and I migrated to Hawaii from the Philippines when I was a child and we are now naturalized US citizens. Although immigrants to Hawai'i come from many countries, the majority of immigrants currently, and since the 1965 immigration law, are from the Philippines. Many immigrants who are speakers of languages other than English generally earn less than individuals who are native English speakers who are familiar with the culture and rules of this community and often face challenges in accessing social, legal, and health services.

Many recent immigrants face barriers to obtaining US citizenship even though they are eligible because of the complexity of the process, cost of fees, need for documents and other information. Those who have visa status issues are often not aware of their rights and need legal assistance to deal with immigration requirements and legal proceedings. Even with a doctoral degree and proficiency with English, I found the process of replacing my lost "Certificate of Naturalization" and obtaining a real ID last year much more difficult and involved than I imagined, which left me feeling vulnerable. The rising cost of fees, inability to speak with or meet with a local federal USCIS officer without first scheduling an appointment through a central number can be overwhelming and frustrating. Scheduling an appointment is a two step-process: 1) a person phones the central number for assistance and describes issue or assistance required and 2) a USCIS officer then replies in 48 to 72 hours (or longer) to discuss request and determines if it meets criteria for a meeting in person with someone at the local office.

I am in strong support of *HB 2380, HD1*, which appropriates funds to the Department of Labor and Industrial Relations that has an Office of Community Service responsible of immigrant and refugee programs to contract with non-profit providers to provide access to legal counsel to immigrants in immigration proceedings. Access to legal counsel is necessary to provide immigrants' ability to have a fair hearing. Thank you for the opportunity to provide testimony.

**HB-2380-HD-1**

Submitted on: 2/22/2020 7:45:28 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aphirak Bamrungruan	Individual	Support	Yes

## Comments:

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 HB2380 HD1 – Relating to Immigration.

The purpose of this bill is to appropriate funds to the judiciary to contract out to provide legal assistance and legal counsel to immigrants in determining legal status and citizenship, provide diversion to existing services, and otherwise provide counsel for existing rights.

Currently, it is very difficult for immigrants to navigate the complex process required under the immigration law and many immigrants lack the resource to obtain legal counsel to help them understand the requirements, rights, and responsibilities under the immigration law.

This bill can help addressing the legal needs of the immigrant community and to increase access to justice in Hawaii.

Thank you for the opportunity to provide testimony on this bill.

Respectfully submitted.

**HB-2380-HD-1**

Submitted on: 2/21/2020 3:11:09 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Liza Ryan Gill	Individual	Support	Yes

## Comments:

Dear Chair Luke and member of the committee,

I am writing this testimony in STRONG SUPPORT of HB2380. In this critical moment of unrest for our immigrant friends and family in this country, it is imperative that each state step in and do what we can to fill in the gaping hole that exist in our judicial system. With more than 18 percent of our population in Hawai'i being foreign-born and another 16 percent having at least one parent that is foreign-born, we cannot afford to ignore the realities of the federal attack on immigrants. Many individuals are unaware that immigration court is civil and not criminal and one is entitled to representation. This leads to a gross miscarriage of justice. Immigration law is incredibly complex and everchanging. Even trained lawyers are not always equipped to practice immigration law and require special training to do so. How then can it be expected that a person, for whom English is likely their second language, be expected to not only understand but properly execute their own defense in immigration court. It is nearly impossible and results in many lost cases, due not to the merit of the case at hand, but the ability of the plantive to navigate the system. This is not justice- for anyone. The more resources we can, as a state, put into supporting organizations that fill the gap, the better. This is not just about doing the right thing in a moment of national need, it is about ensuring that families that live and grow in Hawai'i- expanding our economy and caring for our keiki and kapuna- can keep their families together and prosper here.

Mahalo for your consideration,

Liza Ryan Gill

Member, Advocacy Committee

The Legal Clinic, Hawaii

TO: Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair  
Members of the House Committee on Finance

DATE: Tuesday, February 25, 2020  
TIME: 11:00 A.M.  
PLACE: Conference Room 308

**Re: HB 2380, HD1 Relating to Immigration**

**Position: Support**

Dear Representative Luke, Representative Cullen, and Committee Members,

I am writing to support HB 2380, HD1 to appropriate funds to the judiciary to provide legal assistance and legal counsel to immigrants in determining legal status and citizenship, provide diversion to existing services, and otherwise provide counsel for existing rights.

There are immigrants who seek to continue or obtain legal status in the United States who find it very difficult to navigate the complex process required in the immigration courts. In addition to the complexity of the process, many immigrants lack the resources to obtain legal counsel to help them understand the requirements and documentation necessary to continue the process.

I have personally accompanied immigrants to support them in this process and participated in initiatives to help complete the application documentation. It is a complicated process. Please help our neighbors who live in our community in their quest to become and continue to be good citizens who contribute to our state.

Thank you for the opportunity to testify.

Sincerely,

Cynthia J. Goto

**HB-2380-HD-1**

Submitted on: 2/21/2020 4:07:44 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Trever Asam	Individual	Support	No

Comments:

Chair, and Members of the Committee,

Access to justice is critical to ensure that our legal system works for all of Hawaii's residents. Nowhere is this more apparent than in our most vulnerable populations, including the immigrant community.

I support this bill and the appropriation of funds to ensure that immigrants continue to have access to the courts and to attorneys to assist them.



**HB-2380-HD-1**

Submitted on: 2/22/2020 5:26:39 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Swartzfager	Individual	Support	No

## Comments:

I strongly urge passage of this bill, which appropriates funds for nonprofit organizations to provide legal assistance and legal counsel to immigrants.

There is a large unmet need for immigrant legal aid in Hawaii. The immigration laws and immigration courts are confusing and complex. The U.S. immigration system does not provide court-appointed counsel to immigrants facing deportation who are unable to afford a lawyer. In many cases, immigrants who have limited English language skills and limited understanding of the complex immigration system, including children, are forced to appear and argue their cases in court without legal representation or assistance.

Having represented immigrants in removal proceedings, I know firsthand the significant difference that legal representation makes. Legal representation ensures that immigrants receive meaningful and fair hearings.

Through the passage of this bill, Hawaii can help ensure that immigrants have access to legal assistance.

**LATE**

**HB-2380-HD-1**

Submitted on: 2/24/2020 5:15:36 PM

Testimony for FIN on 2/25/2020 11:00:00 AM

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

Comments:

**LATE**

**HB-2380-HD-1**

Submitted on: 2/25/2020 10:30:33 AM

Testimony for FIN on 2/25/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Oppose	No

Comments: