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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON
SENATE CONCURRENT RESOLUTION 47 AND SENATE RESOLUTION 35
URGING THE DEPARTMENT OF LAW ENFORCEMENT TO DEVELOP AND
IMPLEMENT A U VISA CERTIFICATION POLICY.

Before the Senate Committee on
Public Safety and Intergovernmental and Military Affairs
Monday, April 1, 2024; 3:00 p.m.
State Capitol Conference Room 225, Via Videoconference
Testifiers: Jared Redulla

Chair Wakai, Vice Chair Elefante, and members of the Committee:

Chair Wakai, Vice Chair Elefante, and members of the Committee:

The Department of Law Enforcement (DLE) supports Senate Concurrent Resolution (SCR) 47 and Senate Resolution 35 that urges the Department of Law Enforcement to: 1) Develop and implement a U visa certification policy; and 2) Provide reports to the Legislature.

The mission of the DLE is to stand for safety with respect for all by engaging in just, transparent, unbiased, and responsive law enforcement, to do so with the spirit of Aloha, dignity and in collaboration with the community; and maintain and build trust and respect as the guardian of constitutional and human rights. In keeping with its mission, the DLE recognizes that crime affects everyone in the community. Consequently, it follows that the victims of crime in Hawaii include immigrant victims with nonimmigrant status in the United States. Furthermore, it also follows that because of their nonimmigrant status some victims may be reluctant to help in the investigation or prosecution of criminal activity for fear of removal from the United States.

The DLE supports these resolutions because as a guardian of the community's constitutional and human rights, it must both protect and encourage every victim of crime, including victims with nonimmigrant status to participate in the criminal justice process. To that end, an important foundation for victims with nonimmigrant status is the ability to lawfully remain in the United States with a U visa certification so that victims with nonimmigrant status may freely participate in the criminal justice process. For this reason, the DLE supports SCR 47 and SR 35.

Thank you for the opportunity to submit testimony on this resolution.



Testimony in SUPPORT of SR35 AND SCR47 – URGING THE DEPARTMENT OF LAW ENFORCEMENT TO DEVELOP AND IMPLEMENT A U VISA CERTIFICATION PROCEDURE

Senate Committee on Public Safety & Intergovernmental & Military Affairs
Senator Glenn Wakai, Chair and Senator Brandon J.C. Elefante, Vice Chair

Hearing Date: April 1, 2024 | Conference Room 225 | Letter Date: March 29, 2024

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee:

I am writing on behalf of The Legal Clinic in support of SR35 and SCR47, urging the Department of Law Enforcement to develop and implement a U Visa certification policy and procedures.

The U Visa was created by the federal government in 2000 to protect immigrant victims of or witnesses to certain crimes –especially those who are undocumented or with temporary status - and encourage them to report the crime and assist law enforcement in investigation or prosecution. The targeted crimes include domestic violence, sexual assault, and human trafficking, among others. Law enforcement is also helped by the program to better serve victims of crime, in particular those who have suffered substantial mental or physical abuse due to the criminal activity.

This is a win for everyone involved.

- Law enforcement gains another tool to help solve and prevent crime, hold perpetrators accountable, and foster improved trust with the immigrant community.
- With reduced fear of deportation, victims are more likely to come forward, potentially saving themselves and other victims of abuse further harm.
- The U Visa enables those who are out of status a possible (though not automatic) pathway toward legal status, benefitting themselves, their families, and their communities. Individuals granted a U Visa can remain in the U.S. for up to 4 years and may eventually apply for permanent residency.
- Immigration attorneys (such as those at The Legal Clinic) have a useful means of helping undocumented clients who are victims avoid deportation and continue as contributing community members.
- Public safety, and police-community relations are improved.

While the benefits of the U Visa are clear, it is often misunderstood or overlooked. The U.S. Citizenship and Immigration Service has jurisdiction over whether to accept or deny an application, and the U.S. Department of Labor administers U Visa certifications. However, a local or state law enforcement official is typically required to sign off on a certificate that can qualify the victim or witness for a U Visa application. Jurisdictions are more likely to make use of the program when they have developed their own policies and procedures for circumstances under which U Visas are sought and locally approved.

The Legal Clinic, a Honolulu-based nonprofit organization, provides free immigration legal services to low-income immigrants and migrants in Hawai'i, regardless of their immigration status. Increased access to U Visas for victims of domestic violence, sexual assault, and human trafficking is a valuable tool that will contribute substantially to public safety. We urge you to pass SR35 and SCR47 and support the development and implementation of a U Visa certification process in Hawai'i.

Respectfully,

Bettina Mok
Executive Director
director@tlchawaii.org



**TESTIMONY IN SUPPORT SCR47 /SR35–
URGING THE DEPARTMENT OF LAW ENFORCEMENT
TO DEVELOP AND IMPLEMENT A
U VISA CERTIFICATION PROCEDURE**

Senate Committee on Public Safety and Intergovernmental and Military
Affairs
Senator Glen Wakai, Chair
Senator Brandon Elefante, Vice Chair

The Hawai'i Friends of Civil Rights work to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination. We stand in **Strong Support** of **SCR47 /SR35** urging the Department of Law Enforcement to develop and implement a statewide U Visa Certification Procedure.

The U Visa was established by Congress in 2000 with the passage of the Victims Trafficking Act and Violence Protection Act (Act) and was intended to strengthen the ability of law enforcement agencies to investigate and prosecute domestic violence, sexual assault, sexual exploitation, human trafficking, and other serious violent criminal offenses including murder, felony assault, kidnapping, and extortion.¹

Under the Act, undocumented and non-immigrant victims who suffer physical or mental abuse and are helpful to law enforcement or other government officials in the investigation or prosecution of criminal activity may be eligible for a U Visa. Non-immigrant victims include foreign nationals who entered the United States temporarily for tourism, medical treatment, business, temporary work, study, or other similar reasons.²

Extending U Visa protection to victims of serious crimes sends a clear and compelling message to criminals that they cannot prey on tourists and other non-immigrant victims and undocumented persons with the expectation that these victims will be too afraid to report these

1. United States Citizenship and Immigration Services, Victims of Criminal Activity: U Nonimmigrant Status, <https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status>, accessed 3/30/2024.

2. United States Customs and Border Protection, Requirements for Immigrant and Non-Immigrant Visa, <https://www.cbp.gov/travel/international-visitors/visa-waiver-program/requirements-immigrant-and-nonimmigrant-visas#:~:text=Immigrant%20visas%20are%20issued%20to,study%2C%20or%20other%20similar%20rea>sons, accessed 3/30/2024.

crimes to law enforcement agencies. Protecting these victims also sends a message to the immigrant community that they can assist in the investigation and prosecution of crimes without fear of being turned over to immigration officials for deportation.

Since its enactment in 2000, legal service providers and attorneys seeking U Visas for their facially eligible clients have faced an uphill battle with select Hawai'i law enforcement agencies. By way of example, various law enforcement agencies have taken different positions on the U Visa solely dependent on agency leadership at any given point in time. A uniform policy among Hawai'i law enforcement agencies whether by agreement or legislation would put an end to this arbitrary application of an established and bona-fide legal remedy.

Thank you for the opportunity to testify on this measure.

Amy Agbayani, Co-Chair

Pat McManaman, Co-Chair



Testimony in SUPPORT of SR35 AND SCR47 – URGING THE DEPARTMENT OF LAW ENFORCEMENT TO DEVELOP AND IMPLEMENT A U VISA CERTIFICATION PROCEDURE

Senate Committee on Public Safety & Intergovernmental & Military Affairs
Senator Glenn Wakai, Chair and Senator Brandon J.C. Elefante, Vice Chair

Hearing Date: April 1, 2024 | Conference Room 225 | Letter Date: March 31, 2024

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee:

I am writing on behalf of Valar Law LLC in support of SR35 and SCR47, urging the Department of Law Enforcement to develop and implement U Visa certification policy and procedures.

The U Visa was created by the federal government through the passage of the Victims of Trafficking and Protection Act of 2000. The purpose behind its creation was to develop a key tool for law enforcement agencies for the detection, investigation or prosecution of certain criminal activities.

The need for such a program was identified after it became apparent that many criminal investigations would reach a dead end because law enforcement agencies were frequently unable to secure the cooperation and testimony of the very victims they were seeking to protect. The cause for this was, understandably, a fear that such an involvement could lead to their own deportation due to their lack of lawful status in the United States.

The U Visa program was thus created to ensure that law enforcement agencies would be able to carry out their duties more effectively with the help of undocumented victims who would now be more likely to report criminal activity and later serve as key witnesses in the prosecution of these crimes. The program accomplishes this by providing protection to these individuals that quashes any fear that their assistance to law enforcement could result in a separation from their loved ones. This protection is aligned with the humanitarian interests of the United States.

Not all crimes will fall within the scope of the U Visa. Qualifying crimes include, but are not limited to, crimes of domestic violence, sexual assault, rape, trafficking in persons, kidnapping, among others. The crimes were chosen because of the seriousness of the offenses and because they often involve vulnerable victims who can provide valuable assistance to law enforcement.

In practice, the U Visa has made it easier for law enforcement agencies throughout the U.S. to obtain invaluable assistance from undocumented victims who can cooperate with investigators and prosecutors without fear of being separated from their families. As a collateral benefit, the U Visa program has helped to break vicious cycles of abuse and empowered victims to come forward against their aggressors.

Without the proper framework at the state level, chaos can often result. A lack of a defined structure for obtaining U Visa Certifications, which are an essential part of the process to apply for a U Visa before USCIS, frequently results in a disproportionate rate of denial of these requests or in unnecessarily protracted or complicated processes. This serves as a disincentive to those victims who would otherwise be more willing to cooperate with authorities in the investigation of such crimes.



Many states (California, Maryland, Virginia, Nevada, Colorado, Washington, Oregon, among others) have adopted legislation which provides investigative agencies with clarity on the U Certification process and their role in it. This allows agencies to implement systems that streamline the U Certification process and thus make it more likely that criminal investigations will yield more fruitful results with the cooperation of the victims.

As an immigration attorney who has also practiced in states that have such measures in place, and who has helped a great number of individuals apply for U Visas, I can attest to the following:

- Those who become eligible for the U Visa are typically hardworking and valued members of their communities. The U Visa disqualifies those individuals who themselves have committed the crimes that the U Visa program seeks to protect against.
- They are almost always vulnerable individuals who have been subject to extremely traumatizing experiences throughout their lives.
- These are often individuals who have lived in the U.S. for many years and often have U.S. citizen children, but who are otherwise ineligible to obtain lawful status due to their manner of entry to the U.S. or other causes of inadmissibility.
- Not having a standardized U Certification process directly impacts the victim or legal practitioner's ability and likelihood to obtain these documents from law enforcement agencies, which effectively prevents victims from being able to pursue this form of relief from USCIS. Without this certification, it is simply not possible to pursue a U Visa.
- The positive impact of this program on the effectiveness of criminal investigations is palpable, often observed in the investigative agencies' willingness to get on board with the program once their role and the process is clearly defined.
- The opposite is true for jurisdictions that fail to address this need.
- The state of Hawai'i needs to implement these measures, and law enforcement agencies stand to gain from them. Such legislation will strengthen the ability of law enforcement agencies to detect, investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other heinous crimes. This is a win for everyone involved.

Lastly, implementing a U Visa certification policy protects our immigrant community and benefits our wider community. Such a policy would prevent the deportation of our trusted immigrant community and would foster a sense of security and stability for everyone.

I urge you to support the development and implementation of the U visa certification policy.

Respectfully,



Omar Vaquerano
Managing Attorney
omarv@valarlaw.com



Testimony in SUPPORT of SR35 and SCR47

COMMITTEE ON PUBLIC SAFETY & INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Hearing Date: April 1, 2024

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in support of SR35 and SCR47, which urges the Department of Law Enforcement to develop and implement a U Visa certification policy.

HCIR is a statewide coalition of immigrant and migrant-led and -serving organizations—some of whom are legal providers— working to promote the full inclusion and social justice of immigrants and migrants in Hawai'i.

The implementation of a U visa policy has far-reaching effects. A U visa certification would serve as a helpful tool for law enforcement by encouraging undocumented victims of crime or witnesses to crime to step forward without the fear of deportation. Fostering this trust between law enforcement and immigrant communities would strengthen public safety and ensure perpetrators are held accountable for their actions. For victims of crimes, this certification provides hope and a remedy, incentivizing cooperation with law enforcement while offering the possibility of a more secure future.

The U visa certification also benefits attorneys and service providers by providing another possible defense strategy against removal orders. Although the process takes time and effort, it offers a potential pathway toward legal status for out-of-status residents. This strategy empowers advocates to serve their clients better and ensures that they have access to all available legal avenues for protection and relief.

Lastly, implementing a U Visa certification policy protects our immigrant community and benefits our wider community. Such a policy could contribute to public safety for all, and a possible path to legal status for some.

I urge you to support the development and implementation of the U visa certification policy.

Thank you for your support and consideration,
Maria Rallojaj
Policy & Communications Coordinator

March 31, 2024

SENATE COMMITTEE ON PUBLIC SAFETY AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon J.C. Elefante, Vice Chair

April 1, 2024 | 3:00 pm | Conference Room 2125

**Re: SCR 47/SR 35, URGING THE DEPARTMENT OF LAW ENFORCEMENT TO
DEVELOP AND IMPLEMENT A U VISA CERTIFICATION POLICY**

Chair Wakai, Vice-Chair Elefante, and Members of the Committee:

This testimony is submitted in support of Senate Concurrent Resolution 47 and Senate Resolution 35, both of which urge the Department of Law Enforcement to develop and implement a U Visa certification policy. This is a policy that is long overdue.

The U Visa was created by the United States Congress by the Victims of Trafficking and Violence Protection Act in 2000. As described by the U.S. Citizenship and Immigration Services (“USCIS”), the purpose of the legislation is:

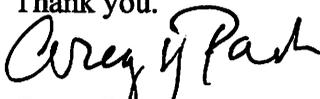
to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of noncitizens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

U.S. Citizenship and Immigration Services, “Victims of Criminal Activity: U Nonimmigrant Status” (<https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status>). As such, the U Visa serves a two-fold purpose. First, it assists state and local law enforcement agencies in prosecuting serious crimes, and, second, it protects our immigrant residents who are the victims of those crimes.

The proposed resolutions encourage the Department of Law Enforcement to implement a process for providing the certification required by USCIS. The lack of a state process makes it extremely difficult, if not impossible, for an eligible immigrant victim to obtain a U Visa, without which, an immigrant would be reluctant to work with law enforcement agencies in any investigation.

The committee is strongly encouraged to pass Senate Concurrent Resolution 47 and Senate Resolution 35.

Thank you.



Corey Park

Cysp46@gmail.com

SCR-47

Submitted on: 3/31/2024 12:24:28 PM

Testimony for PSM on 4/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maile Hirota	Individual	Support	Written Testimony Only

Comments:

As an immigration attorney, I have experienced the difficulty in getting a U visa certification on behalf of victims of serious crimes in the State of Hawaii. The police department has not cooperated on the several occasions in which we have asked for support. A U visa certification program and education of the benefits of such of a program are needed in Hawaii. Without it, some survivors of violent and/or serious crimes give up on their U visa application. U certification helps not only the victim of the crime to pursue U visa status, but also aids in securing their helpfulness in the investigation of these serious crimes through their continued presence in the State. U visa certification is the morally correct thing to do, to support the program provided by US Congress as a humanitarian measure to aid victims of serious crimes. Mahalo for your support of this bill.

Neribel Chardon
PO Box 236072
Honolulu, HI 96823
(808)321-6718

**To: Senate Committee on Public Safety & Intergovernmental & Military Affairs
Senator Glenn Wakai, Chair and Senator Brandon J.C. Elefante, Vice Chair**

From: Neribel Chardon, Immigration Attorney, PR 15954

**Re: Testimony in SUPPORT of SR35 AND SCR47 – URGING THE DEPARTMENT OF
LAW ENFORCEMENT TO DEVELOP AND IMPLEMENT A U VISA
CERTIFICATION PROCEDURE
Hearing Date: April 1, 2024**

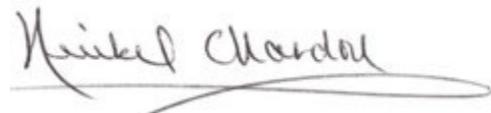
I am submitting testimony as a citizen and as an Immigration Attorney, in support of SR35 and SCR47, urging the Department of Law Enforcement to develop and implement a U Visa certification policy and procedures.

The U Visa is instrumental for law enforcement agencies and officers in getting cooperation from individuals. In 2000, the federal government created this visa to protect those individuals who are either crime victims or witnesses. The U visa encourages reporting and cooperation with the authorities by creating protection for those who would not otherwise do so because of fear of being placed on removal proceedings.

Applying and obtaining approval for a U visa is hard. Not only does the victim or witness need to overcome the fear of the perpetrator and of being deported but also the huge burden of one of the requisites for the visa: obtaining the certification from the law enforcement agency. Although what the law requires is for a law enforcement official to sign off the certificate, here, in Hawaii, it is the Prosecutor the one who signs. That poses some challenges in terms of timing, logistics and effort from the individual seeking the visa.

As an Immigration attorney I have personal experience in eliciting the certifications from the law enforcement officers and I can testify as the difficulty of said process. For a lay person (often times illiterate or with disadvantageous circumstances) it is difficult to understand and follow, and exhausting. Ultimately, all this has the effect of discouraging individuals to report and cooperate with the authorities, and therefore, applying for the visa. Let us be facilitators of the implementation of the good purpose of the whole structure of the U visa. Let us stop the paradox.

Respectfully submitted,

A handwritten signature in cursive script that reads "Neribel Chardon". The signature is written in dark ink and is positioned above a horizontal line that extends across the width of the signature.

Testimony in SUPPORT of SR35 and SCR47
COMMITTEE ON PUBLIC SAFETY & INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Hearing Date: April 1, 2024

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee,

I am writing in support of SR35 and SCR47, which urges the Department of Law Enforcement to develop and implement a U Visa certification policy.

As a child, I was a victim of a crime, and I vividly remember the fear I felt when going to the police station. Being a first-generation immigrant added more to my fear since being in any state and government building felt so daunting. Reflecting on my experience, I cannot fathom how much more daunting it would have been without any legal status at all. That is why I am in full support of this resolution.

The implementation of a U visa policy has far-reaching effects. A U visa certification would serve as a helpful tool for law enforcement by encouraging undocumented victims of crime or witnesses to crime to step forward without the fear of deportation. Fostering this trust between law enforcement and immigrant communities would strengthen public safety and ensure perpetrators are held accountable for their actions. For victims of crimes, this certification provides hope and a remedy, incentivizing cooperation with law enforcement while offering the possibility of a more secure future. The U visa certification also benefits attorneys and service providers by providing another possible defense strategy against removal orders. Although the process takes time and effort, it offers a potential pathway toward legal status for out-of-status residents. This strategy empowers advocates to serve their clients better and ensures that they have access to all available legal avenues for protection and relief. Lastly, implementing a U Visa certification policy protects our immigrant community and benefits our wider community. Such a policy could contribute to public safety for all, and a possible path to legal status for some.

I urge you to support the development and implementation of the U visa certification policy.

Thank you for your support and consideration,
Maria Rallojaj



HAWAII WORKERS CENTER

Defending and Respecting the workers of
Hawaii'i

LATE

(503) WORKERS ☎
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hawaiiworkerscenter.org 🌐

April 1, 2024

Hawaii State Senate

Committee on Public Safety and Intergovernmental and Military Affairs

Senator Glenn Wakai, Chair

Senator Brandon J.C. Elefante, Vice Chair

Executive Board
Committee

Rev. Sam Domingo
Board Chair

RE: STRONG SUPPORT for SCR 47

Mary Ochs
Vice Chair

Dear Chair Sen. Wakai, Vice-Chair Sen. Elefante, and Members of the Committee on
Public Safety and Intergovernmental and Military Affairs:

Dr. Arcelita Imasa
Secretary

The Hawaii Workers Center (HWC) envisions a Hawaii in which all workers are
empowered to exercise their right to organize for their social, economic and political well-
being. It is a resource of information, education, training and organizing for Hawaii's
workers

John Witeck
Treasurer

Board Members

Yoko Liriano

The HWC stands in strong support of SCR 47 urging the Department of Law Enforcement
to Develop and implement a U-Visa certification policy.

Nanea Lo

Innocenta Sound-Kikku

In our experience organizing and working with low-wage, immigrant workers, we have
seen the levels of exploitation that employers have gone through in taking advantage of
immigrant communities, including possible labor trafficking. The U-Visa is a helpful tool
in prosecuting these bad actors while also providing a pathway for victims to adjust their
status.

Ray Catania

Justin Jansen

Joli Tokusato

Leyton Torda

We ask that you please pass and support SCR 47.

Kami Yamamoto

Sincerely,

Executive Director
Sergio Alcubilla III, Esq.

Sergio Alcubilla
Executive Director