

Testimony in SUPPORT of HCR 169 HR143

REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONVENE A WORKING GROUP TO IMPROVE ACCESS TO GOVERNMENT SERVICES FOR IMMIGRANTS AND INCREASE IMMIGRANT OPPORTUNITIES TO MAKE CIVIC AND ECONOMIC CONTRIBUTIONS TO THE COMMUNITY.

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: 3/22/2021

Room Number: 325

Chair Nakashima and Vice-Chair Matayoshi,

The Hawai'i Coalition for Immigrant Rights (HCIR) SUPPORTS **HCR 169 HR143**, which directs the Department of Labor and Industrial Relations (DLIR) to establish a working group to ensure meaningful access to government services and increase opportunities for immigrants.

DLIR is uniquely-situated to establish this working group 1) because of the important services it administers, including Unemployment Insurance (UI) and 2) because the Office of Community Services (OCS) is an administratively-attached agency of DLIR whose statutorily-established mission includes serving immigrants.

Barriers to Access for Immigrants

First, DLIR services to the immigrant population are critical. Among Hawai'i's working population during the 2012-2016 period, 22% were born in foreign countries. Almost one fourth of foreign-born workers were found in Accommodation and Food Services (22.5%), followed by Retail Trade (12.8%,) and Health Care and Social Assistance (11.8%).¹ Moreover, In Hawai'i's labor force, 37% of all workers, 25 years and older, speak a language other than English at home.²

The COVID-19 pandemic emergency revealed the current gaps in the ability of all state agencies, including DLIR, to provide meaningful access to immigrants. For example, it is well documented that state agencies were unable to properly serve LEP communities during the pandemic.³ And although the COVID-19 emergency exposed these challenges with greater clarity, they have long been a concern. Hawai'i has been cited repeatedly by the federal

¹ Department of Business, Economic Development & Tourism, Hawai'i's Working Population: An Analysis by Industry 2012-2016, (April 2018).

² Department of Business, Economic Development & Tourism, The State of Hawai'i Data Book 2018, Table 1.45 – Language Spoken at Home, by Educational Attainment and Employment Status: 2013-2017 (2018).

³ See, e.g., Anita Hofschneider, *Advocates: Lack of Interpreter Services at Unemployment Office is Illegal*, Civil Beat, July 7, 2020, at <https://www.civilbeat.org/2020/07/advocates-lack-of-interpreter-services-at-unemployment-office-is-illegal/>.

Department of Justice and the federal court for failure to ensure meaningful access to services by LEP persons.⁴ A close look at Hawai'i's linguistic diversity reveals that these shortcomings fail a large portion of our population. One out of four, or 329,827, of Hawai'i's residents speaks a language other than English at home. Of this group, 46% or 151,187 are LEP.⁵

In addition to language access, the myriad of federal immigration statuses and documents has created confusion among state agency employees and systems, leading to further barriers for immigrants. For example, at the beginning of the COVID-19 pandemic, there initially was a barrier to COFA-status immigrants accessing Unemployment Insurance because the computer system did not allow for I-94 numbers.⁶ And finally, many groups of immigrants continue to face discrimination here in Hawai'i.⁷

Over the course of the COVID-19 pandemic, we have heard numerous stories of immigrant families unable to access benefits and services that they were entitled to and, just like all working Hawai'i residents, had paid into. The state must do better for its immigrant residents.

Office of Community Services

The Office of Community Services (OCS), an administratively-attached agency to DLIR, was established by the Legislature in 1985 to assist low-income individuals and families, refugees, and immigrants so they can live healthier lives, achieve greater economic self-sufficiency, and increase their contributions to the state. OCS's focus and funding for immigrant and refugee communities has eroded over time, and OCS's current primary focus and funds are for low-income communities. OCS is responsible for numerous statewide programs and provides millions of federal and state dollars to low-income communities for food, health services, employment services, and more.⁸

⁴ Hawai'i Department of Human Services, Consent Decree (2008); Hawai'i Office of Elections, United States District Court for the District of Hawai'i, Settlement Agreement (2010); Hawai'i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement (2015); Hawai'i Public Housing Authority, Settlement Agreement with the Hawai'i Civil Rights Commission (2016). Additionally, multiple language access complaints were filed in 2020 against the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division for its failure to translate vital documents, including applications for Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA), and its failure to provide interpreters. These complaints remain pending with the federal Department of Labor, Civil Rights Division.

⁵ Department of Business, Economic Development & Tourism, *The State of Hawai'i Data Book 2018*, Table 1.44 – Ranking of Selected Detailed Language Spoken at Home: 2014-2018, (2018).

⁶ Anita Hofschneider, *Hawaii Updates Unemployment Application to Include Pacific Migrants*, Civil Beat, April 14, 2020, at <https://www.civilbeat.org/2020/04/hawaii-updates-unemployment-application-to-include-pacific-migrants/>.

⁷ Anita Hofschneider, *Report: Battling Discrimination Against Micronesians Requires Policy Changes*, Civil Beat, October 15, 2019, <https://www.civilbeat.org/2019/10/report-battling-discrimination-against-micronesians-requires-policy-changes/>

⁸ Here are just a few examples of OCS's staff portfolio:

Federal Food Programs. OCS works with the Hawai'i Foodbank, Maui Food Bank, the Food Basket, and others. OCS facilitates the delivery of free USDA food to hundreds of thousands of Hawai'i residents through

Even as OCS's services have already shifted away from a focus on immigrants because of their vast responsibilities, the Governor's original budget proposal would further debilitate OCS. It proposed the reduction of more than 50% of general funds and elimination of 4.5 positions (which equates to abolition of 5 positions). This would have severe impacts on the administration of both federal- and state-funded programs administered by OCS, and it would further marginalize immigrant services in our state.

As we head into the next chapter of the fight to end COVID-19 and recover economically, we will only be successful if services and opportunities include *all* of Hawai'i's residents, including immigrants. This resolution is an important step for that goal.

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

The Emergency Food Assistance Program (TEFAP), and through two other federal food programs – the Senior Farmers' Market Nutrition Program and the Commodity Supplemental Food Program.

State-funded programs. In Fiscal Year 2020 OCS managed a portfolio of 92 state grants-in-aid totaling more than \$25.6 million, of which approximately \$23.8 million was for capital improvement projects and \$1.8 million was for operating grants. OCS also administers a state-funded employment services program that helps Hawai'i's low-income individuals and legal permanent residents gain employment skills, find, and retain jobs.

COVID-19 programs. OCS's existing federally funded programs received direct funding from the CARES Act. In addition, OCS administered CARES Act funds (appropriated from the Legislature) for food distribution. OCS staff are experienced and needed by the state to administer essential programs aimed to provide a social safety net to low-income, vulnerable, and disadvantaged communities during the COVID-19.

HR-143

Submitted on: 3/20/2021 10:09:58 AM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

Aloha JHA Committee,

I am writing in support of HR143. As a public health professional working with foreign-born people and the son of refugees, I have witnessed firsthand the desire for our local immigrant communities to contribute to our economies and culture. In the devastating economic fallout of the ongoing COVID-19 pandemic, this resolution would identify new opportunities to enhance our workforce and civil society.

Thank you for your consideration of this testimony.

Thaddeus Pham (he/him)

HR-143

Submitted on: 3/20/2021 4:59:16 PM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christy MacPherson	Individual	Support	No

Comments:

I am in strong support of HR143. Having worked closely with the Hawai'i Coalition for Immigrant Rights (HCIR) during this pandemic, it has become very clear to me that this resolution is not only needed but also critical. It makes complete sense for DLIR to establish this working group since they administer UI and because OCS is an administrative-attached agency of DLIR that serves immigrants.

HR-143

Submitted on: 3/21/2021 1:09:16 PM

Testimony for JHA on 3/22/2021 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Kai	Individual	Support	No

Comments:

"I support this resolution as a matter of immigrant rights and DLIR is uniquely-situated to establish this working group 1) because of the important services it administers, including Unemployment Insurance (UI) and 2) because the Office of Community Services (OCS) is an administrative-attached agency of DLIR whose statutorily-established mission includes serving immigrants."

Thank you!

Kanani Kai