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late testimony

Committee on Intergovernmental Affairs
Thursday, April 20, 2006 at 2:45 a.m. in Conference Room 224
Testimony In support of HCR 145 HD1

Chair Senator David Y. Ige, Vice-Chair Senator Donna Mercado Kim and members
Senator Rosalyn H. Baker, Senator J. Kalani English, Senator Lorraine R. Inouye, Senator
Clarence K. Nishihara, Senator Sam Slom.

I am testifying in strong support of HCR 145 HD1 which urges the President of the United States and United States Congress to legalize illegal immigrants and requesting the Federal and State Departments of Health to provide medical services to this population in medical emergencies. It also mentions the proposed Hawaii Dream Act which would permit qualified immigrants who have graduated from a local public high school to pay in-state college tuition rates.

April 10, 2006 was a national day for demonstrating support for humanitarian and humane policy for undocumented workers and residents. People from all walks of life are taking to the street across the nation to fight for comprehensive and humane immigration reform that will provide avenues to lawful permanent residency. Undocumented immigrants have made great contributions to our country and deserve to come out of the shadows and hold their heads high as free men and women in the land of the free and the home of the brave.

The HD1 is a good start but do not go far enough so I am proposing the following amendments:

1. Urge the Federal government to enact comprehensive immigration reform providing avenues to eventual lawful permanent residency.
2. The term "illegal immigrants" should be changed to "undocumented immigrants" because the term "illegal immigrant" requires a finding of fact and conclusion of law that someone is indeed illegally residing in the U.S. However, even many Hawaiians and Native Americans and Eskimo in the USA who are born at home instead of a hospital do not have documents or birth records. They are undocumented but should not be deported from the U.S.
3. The HD1 proposed paragraph on Page 1 lines 26 to 29 referring to a Red Scare should be omitted and replace with references to one of the first such acts: In 1882, one of our nation's first, the Chinese Exclusion Act, was passed by Congress to bar Asians.

We also want to express our uniform opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, and ask you urge our federal government to work to prevent the most vicious provisions of that legislation from being included in any Federal or State bill; and

Specifically, we urge that federal and state immigration legislation or executive orders, department and agencies ruling do not include punitive provision that will:

1. Criminalize undocumented immigrants, their family members or the people who, because of their humanitarian roles in society, help the undocumented meet their material, educational or spiritual needs.
2. Impose the federal responsibility and unfounded mandate of the enforcement of immigration laws on our already overworked and undefended state and local police.
3. Require a wall or fence to be built around the perimeter of the United States, at the expense of all other laws and spending and policy priorities.
4. Further limit judicial review of immigration cases, thereby restricting immigrants' and Asylum seekers access to the courts.
5. Allow the indefinite detention of foreign-born people whose home countries will not take them back.
6. Revoke the constitutional right of citizenship from those born in the United States, or otherwise limit immigrants' access to citizenship by arbitrarily making the naturalization process more difficult.

Such far-reaching and harsh provisions will do nothing to protect our borders or enhance national security, and would otherwise destroy any chance or hope of implementing a comprehensive policy.

Rather, we urge you to urge of Federal and state governments to support comprehensive immigration reform including the following vital elements:

1. A border security and interior enforcement policy that targets criminals, drug and human smugglers, potential terrorists and others who mean our nation harm. Such a policy cannot stand-alone--it must be part of a larger package that addresses the immigration system as a whole.
2. Collaboration with foreign governments, particularly those that share a border with the United States, to secure our shared borders and deter illegal entry into the United States.
3. A tamper-proof worker verification system that instantly checks whether a worker is eligible to work. Such checks should be phased in manageably and gradually, to minimize errors and protect civil liberties. Those who circumvent the new system should face stiffer penalties and fines.
4. A program to compel the estimated 11 million undocumented workers currently living in the United States to come forward and participate legally in our workforce. Most are here for a

better life: they pay taxes and they do jobs no one else will do. Immigrants in the program must clear thorough background checks and pay appropriate fines and taxes before becoming eligible to work.

5. To be truly effective, the program must provide a way for workers to eventually earn legal permanent residence and citizenship. Implementing a program that only provides a work permit and ties the worker's legal status to the employer will relegate these individuals to permanent second class status and place them in a precarious position should they need to find a new job or exert their workplace rights.
6. The reduction and eventual elimination of the backlog of people waiting, sometimes for decades, to be legally reunited with close family members. In addition, provisions of immigration law that address inadmissibility issues with regard to undocumented status, such as the three- and ten-year bars to reentry, must be waived to ensure that the reforms to the family immigration system are meaningful and effective.
7. A safe and legal means for future workers to come to the United States to fill jobs Americans will not do. To replace the illegal flow with a legal flow, visas must be made available to meet the current demand for legal immigration by employers and workers. To prevent worker exploitation, workers should have the same workplace rights as their U.S. counterparts, not be tied to any one employer, and have the option of becoming legal permanent residents and, eventually, citizens.
8. To urge the federal and state governments to pass the DREAM Act and enabling legislation to allow undocumented high school students who lived in the U.S. for three years and graduated from an IN-state high school to attend State colleges and university paying IN-state residents tuition (Dream Act). See Hawaii version introduced in 2002 by Rep. Dennis Arakaki, H.C.R. 128 and H.R. 87 and Rep. Romy Mindo, HB 1051. ¹

Minority children, their families and the nation would likely suffer tremendously if Congress decides that political expediency is more important than a realistic and effective comprehensive immigration policy.

Thank you for the opportunity to testify.

¹ Hawaii Dream Act **Resolutions** - 21st Leg 2002 Session.

H.C.R. 128 and H.R. 87 introducer **Dennis Arakaki** (D), District 30

Would permit the University of Hawaii to study the feasibility of permitting certain immigrants to qualify for in-state tuition rates if they have graduated from Hawaiian high schools, have lived in Hawaii for at least three years, and are willing to sign affidavits promising to legalize their status as soon as eligible to do so.

H.B. 1051 Hawaii Dream Act **Bill** - 21st Leg 2002 Session introducer Romy M. Mindo (D), District 43

The Federal Dream Act that is now before congress is supported by 900 National Organizations.