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HAWAII

# FILIPINO CHRONICLE

HAWAII'S #1 FILIPINO NEWSPAPER

◆ MAY 20, 2017 ◆

## ACCESSORY DWELLING UNITS CAN IMPROVE HAWAII'S HOUSING CRUNCH

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## EDITORIALS

## ADUs Can Make a Difference In Hawaii's Housing Crunch

**A**s with other highly desired cities around the world, Honolulu is faced with a housing crunch where supply falls short on demand, setting the margin for affordability very high. The average price of a median single family home in Hawaii is about \$780,000. The average price to rent a two-bedroom condo is about \$1,600 a month. But unlike other world-class cities in Honolulu's league of staggering real estate market prices and rent, Honolulu's wages are comparatively low, adding to the struggle of finding an affordable place to live that much harder. As in other essential areas where affordability has become out of reach (healthcare, senior care), government has the moral obligation to be that safety net; in this case, to layout a comprehensive plan to provide more affordable homes and apartments for sale and rent. Extending incentives to private developers, giving government assistance such as Section 8 to low-income earners, and building affordable housing are a few solutions to improve the housing crunch. But with a limited land base (something that cannot be changed) as the prime driver to the high cost of rent and real estate, government realistically does not have sufficient resources to remedy the housing shortage entirely.

The City's Accessory Dwelling Unit Program (ADU) which was established in 2015 is a smart approach to alleviate some of the housing demands. By obtaining a permit, the City allows for construction of an ADU or second dwelling unit with its own kitchen, bedroom and bathroom facilities that is connected to a homeowner's main house or separate but within the same property. The cost savings for government is tremendous with ADU because it places the financial burden of building affordable rentals onto homeowners. Government just needs to administer the permitting process. The potential for raising the number of affordable units is far greater than what government and private developers can do. But this can only be possible if the ADU program is successful. Studies show where ADUs are successful in the U.S. mainland, is that building an ADU must make economic sense. Permit fees to build should be kept low and streamlined for quicker response. The process should not be overregulated or too complicated. It must be flexible. And an essential part of its success is public education and community support. The fact that Honolulu's ADU program is still relatively unknown and vastly underutilized suggests that the City has a long way to accomplish what it set out to do -- to make a serious effort in improving the housing crunch. Hawaii's cultural affinity for multigenerational living and cultural value to care for our elderly make ADU attractive for island-residents. The City just needs to market the program more aggressively and improve on the permitting process.

## Being A Pet Owner Takes Real Commitment and Patience

**T**he great French writer Milan Kundera wrote: "Humanity's true moral test, its fundamental test consists of its attitude towards those who are at its mercy: animals."

Animal rights activism increasingly is gaining legitimacy and support from communities around the world. Much of the attention has been focused on laboratory testing of products on animals; the killing of animals for their fur; the illegal practices of dog fighting and cock fighting; and the questionably unethical ways in which animals are raised and slaughtered for mass production of food.

These are all serious issues of concern that center on animal abuse in commercialism and gambling. But what many people

## FROM THE PUBLISHER

**W**ho would have imagined that the house you grew up in that cost in the range of mid-\$100,000 in the 70s and early 80s is valued at or near \$1 million dollars today. Or that the

place your family has been renting for under \$1,000 a month 25 years ago has nearly tripled.

This is a typical scenario for Hawaii. Supply and demand, an expanding population, a robust investment-property market, and limited land base have all contributed to our state's housing crunch.

For our cover story this issue, HFC's associate editor Edwin Quinabo writes about the housing crisis and one noteworthy program run by the City & County of Honolulu that has the "potential" to really make a difference in providing more affordable rentals. The Accessory Dwelling Unit (ADU) program allows homeowners to build a separate or connected unit to their main home for rentals. Homeowners must apply for a permit. For Filipino families, this is a perfect scenario for multigenerational living because it also allows for space and privacy. It could also be used for additional income. Unlike Ohana zoned properties, an ADU is unique because it can be rented out to non-family members. An ADU could also be ideal for those of us who care for our elderly family members; they are nearby and could enjoy our company at home.

In our Mainland News section, read how Congress' recently passed spending budget benefits the aloha state. Senator Brian Schatz, who is a member of the powerful Senate Appropriations Committee, helped to secure major funds for key programs.

Also in our news sections are two updates on issues we've covered in the past: the Kupuna Caregivers Program and Trumpcare. We're pleased to inform our readers that the Kupuna bill passed this legislative session and awaits Gov. David Ige's signature to become law. At the national level, Trumpcare passed in the House of Representatives to the dismay of many Americans, but it sits in the Senate for debate.

Lastly, read HFC's Emil Guillermo's insightful column on Trump's firing of FBI Director James Comey, who was spearheading an investigation on Trump and his possible collusion with Russia during last year's presidential election. Guillermo commented: "...with the Comey firing, the one word to emerge for Trump is 'Nixonian.'"

Until next time, warmest *aloha* and *mabuhay!*

*Chona A. Montesines-Sonido*

don't realize is just how common domestic pets are abused -- that includes physical torture, neglect and abandonment. Of all the reported cases of animal abuse: 70.1 percent involved dogs; 20.9 percent involved cats, and the remaining involved all other animals. Each year, approximately 2.6 million animals in the U.S. are euthanized (1.2 million dogs and 1.4 million cats) at animal shelters. Millions of other pets are left in the streets, especially elderly pets abandoned to die alone.

The Humane Society reports that there has been some progress in strengthening animal cruelty laws in the U.S. There now exist felony provisions in all 50 states. However, felony charges are usually sought in repeat offender cases.

In the state of Hawaii, there is a first-degree animal cruelty offense with the possibility of prosecution as a felony; and there is a second-degree misdemeanor offense.

A first-degree offense constitutes that the offender intentionally and knowingly tortures, mutilates, or poisons any animal resulting in serious bodily injury or death. A second-degree misdemeanor is when an offender intentionally, knowingly, or recklessly tortures, torments, starves, deprives an animal of necessary sustenance. The difference between the two is level of harm done unto the animal.

If convicted of animal cruelty, the violator could face prison time and must pay a monetary fine. The court may also force the violator to forfeit for adoption not only the abused animal, but also



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U.S. SBA SMALL BUSINESS JOURNALIST AWARDED  
MEMBER, SOCIETY OF PROFESSIONAL JOURNALISTS

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## CANDID PERSPECTIVES



By Emil Guillermo

# Trump's Comey Firing A Good Sign for Duterte But Not Democracy

**M**azie Hirono, Hawaii's senior senator was talking tough. But it may not be good enough to turn this week into a winner for the American people and our democracy.

May 9 was a good day, however, for Rodrigo Duterte.

South Korea elected a new president Moon Jae-in, who is open to talks with North Korea, potentially putting the country at odds with the U.S.

Who do you think the U.S. will count on more as an Asian ally? The former "little brown brother"?

And speaking of the U.S., on the very same day, Donald Trump made his latest autocratic move firing FBI director James Comey, who happens to be conducting a probe looking into collusion between the Trump campaign and Russia.

Trump said the firing concerned Comey's handling of the Hillary Clinton e-mail investigation. But don't buy it. It's Donald Trump at his autocratic and strongman best.

And now it's official. He's the second coming of Richard Nixon, the disgraced U.S. president of Watergate fame.

The significance of that?

It was while Nixon was in power that the green light was on for Ferdinand Marcos to begin his reign as the oppressive and corrupt dictator under martial law.

That was later augmented further with Reagan and the first Bush administrations.

But Marcos rose under Nixon.

And with the Comey firing, the one word to emerge for Trump is "Nixonian."

Nixon's the one who also tried to cover up the Watergate scandal by firing special prosecutor Archibald Cox on October 20, 1973, a day known as the "Saturday Night Massacre."

I remember that night as a college freshman walking through Harvard Yard wondering what was happening to our country.

And now the parallels are striking.

Firing the man who is investigating you and your administration? Just like Nixon did?

Using the political "N" word to cast Trump's villainy may have been premature before this week.

## NIXON CHARACTER RECOGNIZES COVER-UP

A few months back, Trump went to Twitter one Saturday morning and suggested that then-President Obama had wiretapped Trump Tower.

That didn't stop former Nixon lawyer John Dean, the former White House counsel who was charged with obstruction of justice for his role in Watergate. He went on MSNBC in March talking about how the Trump administration seemed Nixonian.

"In fact, they are in a cover-up mode. There's just never been any question in my mind about that," Dean said. "I've been inside a cover-up. I know how they look and feel. And every signal they're sending is 'we're covering this up.'"

"This White House is not showing their innocence," he said. "They're showing how damn guilty they are, is what we're seeing."

Since then, Comey has already shown his unwillingness to help Trump by declaring there was no evidence to back a claim that Trump Tower was wiretapped. And then there was his recent testimony before Congress, which coincided with reports that he asked for more money and resources for the FBI investigation into the Trump-Russia links.

It must have finally triggered Trump's infamous phrase: "You're fired."

Great for a reality show. Lousy for a democracy.

Even the way Trump did it

was a bit odd. He didn't talk directly to Comey, who was in Los Angeles speaking at a field agent function. Reportedly, Comey got the dagger while TV monitors, tuned in to news stations, heralded the news on the lower third of the screen.

Comedy thought it was a prank.

But it was just the way Trump does the presidency. And America.

This is why those who say they want the government run like a business will eat their words.

Because Trump is running things like a capitalist authoritarian who puts his interests above all.

## THE LETTER INFORMING COMEY

The Trump self-serving style comes across in the letter he sent to Comey informing him of his firing.

"While I greatly appreciate you informing me, on three separate occasions, that I am not under investigation, I nevertheless concur with the judgment of the Department of Justice that you are not able to effectively lead the bureau," Trump said in a letter dated May 9, asserting his innocence as he threw Comey under the bus.

The White House also released another letter by Attorney General Jeff Sessions (the guy who recused himself on all things Russia) and deputy attorney general Rod Rosenstein that gave his Trump "cover." That provided the pretext—the reason

that's not the reason-- that it wasn't the Russian investigation, it was the handling of the Clinton emails that caused the firing.

Almost plausible?

But no Clinton supporters or Democrats were pushing for Comey's head, not now.

Clinton's emails are old news. Candidate Trump liked the ruckus Comey caused when it helped him win the presidency. But this Russian investigation is another matter.

It also answers the big timing question: "Why now?"

How about this for an answer: Getting rid of Comey allows Trump to "fix" things at the FBI with a Trump "loyalist" who will do exactly what he's told.

That's more credible than Kellyanne Conway, who resurfaced on TV to defend Trump and say it wasn't about Russia. Conway is good on pretext

though short on truth.

Even the Justice Department has come out saying that reports of Comey's firing, following his request for more resources for the Russia probe, is false.

But it's too late.

Comedy's firing is about Russia, even if just by coincidence.

And now Trump has lost all credibility firing the man investigating Trump's approach to power and the presidency.

Even moderate Republicans are questioning Trump's timing of the Comey firing. And now Democrats, caught by surprise, have new life. They're demanding a special prosecutor to be appointed to assure fairness and strict adherence to the rule of law.

In the meantime, the optics just aren't working for Trump who manages either wittingly or unwittingly to make things worse for himself.

When Trump talked di-

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## COVER STORY

# Accessory Dwelling Units Can Improve Hawaii's Housing Crunch

By Edwin Quinabo

**O** *t was bound to happen -- that Honolulu's unrivaled year-round sunny weather, pristine beaches, majestic mountains, world-class reputation and minimal land space eventually lead to a housing crunch.*

Market forces will continue to drive up Honolulu's already skyrocketing real estate and runaway rent prices as other much desired cities in the U.S.

But unlike San Francisco with its booming tech industry or New York with Wall Street to provide a financial boost to residents pressed with the high cost of living-- Honolulu's lower waged service-based economy affords little relief.

Just how bad is Hawaii's housing crunch? The Department of Business, Economic Development and Tourism projected in a study that the state will need 64,700 to 66,000 new housing units for the 2015-2025 period. In the county of Honolulu alone, that demand is 25,847 for the same period.

If new inventory of homes is not constructed, the median

price of existing homes will continue to rise and outprice local residents off the market. The median price of a single family home is already unaffordable to many residents at just under \$800,000. For first time homebuyers without assets to liquidate for a hefty down-payment, the dream of buying a home remains just a dream, and renting the only option, which also does not come cheap.

A Hawaii Appleseed Center for Law and Economic Justice report found that more than half of all renters do not live in affordable housing, while almost 80 percent of the state's 30,556 extremely low-income households are paying more than half of their income for rent.

Rent increases have outpaced Hawaii's wage growth and inflation for years. The re-

port estimates that the "housing wage" needed to afford a two-bedroom apartment at fair market rent (\$1,640/mon) in Hawaii is \$31.54 per hour. But the average wage of a renter in the state is \$13.86 per hour. The \$31.54 per hour "housing wage" is not easily obtainable even for some professionals.

The affordable rental market is in such dire shortage that for every 100 low income family household, there are only 29 affordable units available.

The combination of low wages, low affordable inventory, and one of the highest median price for a single-family home or condo nationally has contributed to the current homelessness problem, which is one of the highest in the country.

Gavin Thornton, co-executive director of Hawaii Appleseed Center for Law and Economic Justice, said a \$2 billion housing development effort is needed.

"It's going to require some pretty drastic action like that if you want to make some real progress," said Thornton.

Sen. Will Espero, chair of the Senate Committee on Housing, introduced a proposal to spend \$2 billion on housing development this legislative session. Instead, what lawmakers approved was \$25 million for the dwelling unit revolving fund that helps developers build homes for sale and \$17.6 million for public housing developments and renovations, along with separate funds for Habitat for Humanity. Lawmakers also set



aside \$16.6 million for homelessness for 2018, above the \$12 million spent in 2017.

What's keeping many Honolulu residents financially afloat is multi-generational living. If it weren't for this practice, the homeless rate would be far worse than what it is, as well as the rate of residents leaving the islands. Hawaii's cultural reverence of having a close-knit family is a saving grace and makes it easier to endure cramped living quarters. But multi-generational living remains less than ideal for privacy and independence.

Instead of scrambling to find a place in a tight, low inventory, overpriced rental market, the city has come up with another option that could serve multiple purposes: provide homeowners additional income, provide renters a more affordable place to live besides the typically larger and more expensive house or condo, and finally help to alleviate the housing crunch.

## Accessory Dwelling Unit (ADU)

As part of Honolulu Mayor Kirk Caldwell's strategy to address the major short-

age of affordable housing, the Accessory Dwelling Unit (ADU) ordinance was adopted and is administered by the City's Department of Planning and Permitting (DPP). Although it was signed on September 14, 2015, ADU is still relatively unknown.

"Nobody disputes that we need more affordable housing. ADUs are one way to help ease the shortage by providing rental housing, and at the same time, provide extra income to a family," said Kathy Soku-gawa, Acting Director, Department of Planning and Permitting. "To further encourage families to consider this option, the Honolulu City Council is considering a measure that would extend the fee waiver incentives for two years to 2020, which can save homeowners as much as \$9,000 to \$10,000 in costs."

City Council Chair Ron Menor, who introduced resolution initiating statutory to establish ADUs in the City Council, confirmed the Council Bill 47 (2017) that would extend the ADU fee waivers.

"In 2016, the City Council approved and the Mayor signed Ordinance 16-019

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## COVER STORY

(from page 4, **ACCESSORY...**)

which incentivizes ADUs in the following ways: by providing fee waivers including building permit and plan review fees; grading, grubbing, or stockpiling permit fees; park dedication fees and wastewater system facility charges. Although building new ADUs take time, the pieces are in place for more and more ADUs to be created," said Menor.

As its name suggests, an ADU is an accessory dwelling to the main house on a property or a second dwelling unit with its own kitchen, bedroom and bathroom facilities. The ADU may be connected to the main house or detached. Unlike the Ohana dwelling property that most residents already know about, ADUs are not restricted to occupancy of family members. Non-family members can live in an ADU.

This lift in restriction makes ADUs more versatile for rental income opportunities for homeowners; while at the same time, increases the inventory for affordable rentals. Because ADUs are typically smaller than renting a home or apartment (maximum of 400 SF for lots ranging between 3,500 SF and 4,999 SF, and 800 SF for lots greater than 5,000 SF), they normally would fall into the rent range comparable to a studio or one-bedroom apartment. The affordability of an ADU fits the budget for a large group of renters: students, singles, young couples, single moms, small families and the elderly.

"When the City Council first considered the implementing legislation, we limited the maximum size of an ADU unit to encourage homeowners to keep rents affordable. We also required that the rental agreement be at least six months long. This is to ensure that the ADU is not used as a bed & breakfast home or a transient vacation unit. The City Council was focused on creating affordable rental units," said Menor.

Aiea resident Serafin Colmenares, health coordinator for the State Health Planning



and Development Agency, believes ADUs can definitely help with Hawaii's housing shortage and high rentals. "I think it is a good idea. It enables extended families to live together and strengthen family cohesiveness. It also will help families to save money. It could also be an income opportunity for people who have extra space to rent out. As a homeowner, I would be willing to build an ADU. If I were a renter, I wouldn't mind living in an ADU in my child's house. This is especially beneficial for older people who live on fixed incomes," said Colmenares.

In fact, when the ADU program was being considered, one of the goals was to give senior homeowners the opportunity to make extra income by renting out their main house while occupying their ADU addition.

With the shortage of senior nursing home facilities nationwide, ADUs could be an alternate living arrangement to care for elderly loved ones. Carmencita Jocson, who cared for her 68-year old mother-in-law at home, mentioned some of the challenges: "Having your own time and privacy were key issues. Finding help to help around the house or help to take care for my mother-in-law while we spend family time alone, that is essential. We need to be able to replenish our energy, love, and intimate family time."

The separate quarters set up of an ADU could have met some of the privacy issues Jocson had while caring for her mother-in-law.

Caring for elderly family members at home or something like an ADU is a strong cultural tradition for Filipino

families.

"I grew up in an environment where my grandparents lived with us. I observed how my mom and dad took care of them. My paternal grandparents stayed with us until she died at age 103 and my maternal grandfather until he died at age 87. I knew that should there be a need for me to take care of my parents, I would do it in a heartbeat," said Jocson.

#### Applying for an ADU

Since Honolulu's ADU ordinance became law, more than 1,300 homeowners submitted "pre-check" forms to see whether their property can add an ADU; some 150 applications have been granted permits to begin renting out ADUs.

Before any construction is undertaken, it's strongly advised to go through the pre-check process because not all zones are approved for ADUs. Existing structures and additions must meet ADU building requirements. Adequate sewer and water capacity infrastructure must also be considered. There must also be one parking space on the lot per ADU. But in the future, ADUs within one-half mile of a rail transit station do not require parking.

The process of compliance and permitting can be involved. The DPP has developed an ADU brochure to help homeowners and contractors through the process. The City also is working with the building industry and design professionals who have come up with different models that homeowners can use for pre-approval under a master permit. Selecting from a design that has been pre-approved by the city building

permits department can save time and money.

#### Making ADU a successful viable option

ADUs are not unique to Hawaii but are being adopted in cities across the nation. In the U.S. mainland, ADUs are commonly called accessory apartments, second units or granny flats. Honolulu can learn from other cities that have had similar ADU programs in place longer.

In a Santa Cruz, California study, 61 percent of ADU owners complained about the cost of permitting fees and high cost of construction to meet regulations. The study shows that if ADU does not make economic sense and takes too long to pay off investment in construction and fees, homeowners will shy away from it. Converting existing structure to meet ADU regulations was also a big problem to respondents. Parking and sewer requirements

were also deemed too costly. Santa Cruz is an expensive seaside city close to San Francisco and Silicon Valley that also has limited land space and lack affordable rentals.

In another ADU case study prepared for the U.S. Department of Housing and Urban Development, it found that some ADU programs from the 1970s through 1990s failed because they lacked flexibility. "In order for an ADU program to succeed, it has to be flexible, uncomplicated, include fiscal incentives, and be supported by a public education campaign that increases awareness and generates community support," the study states.

Loan programs, tax incentives, streamlined permitting, and reduced development fees can all contribute to a successful ADU program.

While the mayor's ADU program is touted as one strategy to provide more affordable housing, early track records show the City has a long way to meet its goal. Public outreach and working with the media could help in getting the word out. The ADU program could be useful to a large sector of the population who live along the City's future rail transit line. ADUs are still new and relatively unknown, but has great potential, especially to a community that places high value on multigenerational living.

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## OPEN FORUM

# Our Solidarity Is Our Best Defense

by Terrence Valen

**J**ust 100 days into office, Donald Trump's immigration and labor policies have further exposed how bankrupt and unjust the US immigration system has become.

While previous administrations have also criminalized migrants and restricted immigration based on U.S. economic

need, Trump's administration promised open and directed attacks on migrants, but he has failed at every turn. Filipino migrants, workers and many others have organized a growing resistance to Trump's blatant racism and use of fear to demonize migrants and refugees.

Trump's attacks include the twice-stopped ban on refugees, visa-holders, and even legal permanent residents from Iran, Iraq, Somalia,

Sudan, Yemen, Libya, and Syria. While cutting funding to education, healthcare, housing, and environmental protection, the Trump administration has increased the number of Border Patrol agents and ICE officers and empowered state and local law enforcement as immigration officers. Migrants without felonies and even DACA recipients are now being detained and deported in immigration sweeps. Trump has also threatened to

strip sanctuary cities of federal subsidies, but just like the "Muslim Ban," organized communities in these cities, even city mayors and their attorneys, and federal courts blocked this empty threat.

Filipinos have suffered alongside other migrants, workers, and refugee communities, from the time they were forced out of their home countries to the current rise of attacks on civil rights, health, education, and social services

in this country. Emboldened by Trump's racist rhetoric calling Filipinos "animals" and "terrorists" and his promise to deport 300,000 Filipinos, racists and white supremacists have attacked Filipinos, and some of our kababayans have already been detained, deported and separated from their families by ICE agents raiding our homes and communities.

**TERRENCE VALEN** is President of the National Alliance for Filipino Concerns (NAFCON).

# No Justice for Black Lives

by Johanna Puno Hester and Gregory A Cendana

**T**he Asian Pacific American Labor Alliance, AFL-CIO (APALA) is outraged and saddened by the murder of Jordan Edwards, a Black teenager, at the hands of another police officer in April, and by this week's announcement that the Justice Department (DOJ) would not file

federal charges against the police officers responsible for the murder of Alton Sterling last July. APALA continues to condemn the deep-seeded racism and violence endemic in our criminal justice system, and remains committed to organizing alongside #BlackLivesMatter and the Movement for Black Lives.

Our hearts go out to the

family and friends of Jordan Edwards and Alton Sterling. There is no justice for Black lives. We cannot stop paying attention or forget to remember this pattern of state-sponsored violence against Black and Brown people.

The DOJ's announcement is deeply disappointing and is indicative of the way Attorney General Jeff Sessions will continue to run the department. We live in a scary time

where justice is swept under the carpet, where white supremacists have been emboldened to act with violence, where money is time and again put over the dignity and respect of real people.

From the death of Srinivas Kuchibhotla to Edward Crawford, another Ferguson activist who was just found dead, this struggle for freedom – for our bodies, for our lives – is all connected. Sandra Bland. Philando Castile. Eric Garner. Freddie Gray. Akai Gurley. Michael Brown. We

carry their names every day because we work, live, breathe in a society that was not made for us. With an administration that devalues the diverse people we are and that continues to protect the white status quo, we need to resist, organize, and fight back more than ever.

**JOHANNA PUNO HESTER** is National President of Asian Pacific American Labor Alliance, AFL-CIO and Assistant Executive Director of the United Domestic Workers, AFSME Local 3930.

**GREGORY A CENDANA**, APALA Executive Director.

# New Voting Commission Is Pretext for Voter Suppression and Discrimination

by Michelle Boykins

**T**oday the president issued an executive order to create a Presidential Commission on Election Integrity. The commission is expected to study "vulnerabilities" in U.S. voting systems, but an administration official stated it would also look into

potential issues of "improper voting, fraudulent voter registrations, and fraudulent voting" – claims that previous studies have proven to be unfounded.

Asian Americans Advancing Justice (Advancing Justice), an affiliation of five civil rights organizations, has significant concerns that the desire to 'study vulnerabilities' is

pretext for finding ways to intimidate and suppress voting in communities of color, particularly among Asian American, African American, and Latino voters. Asian American voters have often been discriminated against for being seen as 'perpetual foreigners,' and have additional hurdles to reaching the ballot box, such as being asked for additional

proof of citizenship or being denied language assistance.

Given the president's previously false claims of widespread voter fraud, his attempts to deflect investigation into the possibility of Russian interference in the 2016 election, and his focus on losing the popular vote, we believe this commission to be nothing more than a thinly veiled attempt to curtail drastically the legitimate voting rights of Americans. A commission created on a false premise can only have a predetermined negative outcome and be yet another waste of taxpayer resources.

Making this charade even worse is the expected naming of Kris Kobach as the Vice Chair of the Presidential Commission on Election Integrity. Kobach's record when it comes to voting rights and

other civil rights issues is exceptionally troubling. His most notable actions in government have been to disenfranchise communities of color, including naturalized citizens. His numerous voter suppression schemes have been struck down by the courts. Since the election, he has erroneously repeated Trump's claims of widespread voter fraud.

If the administration really wants to work on improving the voting system for the American people, it should start with the full restoration of the Voting Rights Act. The commission should also study the number of eligible voters kept from casting their rightful ballot because of voter ID laws, rollbacks on early voting, and other laws passed since the Voting Rights Act was decimated. Voter suppression is the real threat to democracy and future elections.

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## WHAT'S UP, ATTORNEY?



By Atty. Emmanuel Samonte Tipon

# Is USCIS Sitting on Your Immigration Petition? Sue Them with a Mandamus Action

**Y**ou have filed your immigration petition for your beautiful beloved with USCIS, but USCIS has been sitting on it. Rival suitors are knocking at your beloved's door, saying "Your balikbayan lover is a fake. He has not filed a petition for you. It has been a year and you still have no news about it. Let us go out and have fun."

Your beloved sends you the above Facebook message. What are you going to do? You are getting desperate. You cannot control the events happening abroad. What if your beloved succumbs to the temptation to go out with other suitors. What if ..... Patay kang bata ka.

Here is what you can do. First, follow up the petition

with USCIS. Second, make an appointment on InfoPass to talk to an immigration officer in person. Write to your U.S. Senator or congressman to help find out the status of your petition? (Unfortunately in Hawaii, not one of them is a Republican, so your guess is as good as mine as to what weight they carry). All that USCIS says is that your petition is under process.

There is a book called "Sue the Bastards" by Gerard P. Fox. It analyzes the pros and cons of suing those who do you harm. After reading it, you feel like Hamlet – "To be or not to be." (To sue or not to sue). If you really love your so-called "beloved" (wife or fiancée) and want to protect your interest, damn the cost and the problems of suing, just sue the USCIS for sitting on your immigration petition by using a mandamus action.

The term "mandamus" is a Latin word "we command". "It is a writ or order that is issued from a court of superior jurisdiction that commands an inferior tribunal or individual to perform, or refrain from performing, a particular act, the performance or omission of which is required by law as an obligation." The Free Dictionary by Farlex.

## Jurisdiction

Under 28 U.S.C. §1361 "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the petitioner."

This statute simply provides a forum for filing mandamus against an officer of the United States. However, it does not provide a legal ground for suing. The person suing, in this case the peti-

tioner, must allege a legal basis for the suit and standing to bring it.

The Administrative Procedure Act (APA) 5 U.S.C. §§ 551 et seq. provides a cause of action for the petitioner where the USCIS unreasonably delays the adjudication of a petition or application. "The APA requires federal administrative agencies to address matters presented to them within a reasonable time. 5 U.S.C. § 555(b) ("With due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it. . ."). The APA further states that federal courts "shall . . . compel agency action unlawfully withheld or unreasonably delayed. . ." 5 U.S.C. § 706(1). *Belegradek v. Gonzalez*, 523 F. Supp. 2d 1364 (N.D. Georgia)

In *Razaq v. Poulos*, No.

06-2461-WDB, 2007 WL 61884, at \*3 (N.D. Cal. Jan. 8, 2007), the court said: "We find that the USCIS has a mandatory duty to decide whether to grant or deny 1-130 Petitions. . . . While the substance of the decision whether to grant or deny a petition obviously is discretionary, the duty to process the application is just as obviously ministerial." Thus, while mandamus is available to compel a USCIS officer to act on a petition, it cannot compel the officer to act or decide in a particular way, that is, it cannot compel the officer to grant the petition.

## What Constitutes Unreasonable Delay

"[T]here is no bright line rule as to when a delay on an application slips into the realm of unreasonableness." *Linville*, 489 F.Supp.2d at 1282 (quoting *Elmalky v. Upchurch*, No. 3:06-CV-2359-B, 2007 WL

(continued on page 14)

## CANDID PERSPECTIVES (from page 3, TRUMP'S....)

rectly for the first time about why he fired Comey, his answer was Trumpian: "Because he wasn't doing a good job very simply, he was not doing a good job."

Maybe not for Trump.

It wasn't exactly Nixon saying "I am not a crook," as he did after the Saturday Night Massacre.

But the historical echo was clear as Trump gave his answer while sitting next to Henry Kissinger, the former Secretary of State under Nixon during Watergate.

It was the first statement on Comey for the ethically-challenged Trump.

And to top it off, Trump met with Russian Foreign Minister Sergey Lavrov, and Sergey Kislyak, a known Russian spy and the current Russian Ambassador to the U.S.

No U.S. media were allowed. It was like a photo op for Vladimir Putin. Is the bromance is back on?

Add it all up, and Trump is practically thumbing his nose

at the American people.

Russian collusion? Investigation? He is acting above it all here, friends.

What Trump's done this week is far worse than the Saturday Night Massacre. And as the probe plays out, with issues of treason and abuse of power, it's all a far greater threat to our democracy than even Watergate.

If you're an American Filipino, this isn't good news.

## DIRECTION FORWARD: SPECIAL PROSECUTOR

The Congress must act in a bi-partisan way for the good of the country.

Sen. Mazie Hirono responded with tough talk immediately after the news broke of Comey's firing.

"The president's decision to fire FBI Director James Comey in this manner, under this pretext, and at this time is a total disservice to the American people," Hawaii's senior senator said in a statement. "The country is asking, Mr.

President, what do you have to hide?"

Hirono's been calling for a special prosecutor and an independent investigation on the Russia matter for months. It's the only way to avoid conflicts of interest.

But can she get the senate to stop playing politics and get by Republican majority leader Mitch McConnell?

Unless they can, Trump may win this round, and subsequent rounds unless people begin to grasp what Trump is doing to our democracy.

It's all bad for America, but good for people who believe in an autocratic government run by Trump.

If you're Rodrigo Duterte, who just got an invite from Trump, who himself has business interests in the Philippines, I'd say it's a good day.

A Nixonian Trump sadly will mean a Duterte can do no wrong. Eight thousand extrajudicial killings? Skies the limit.

Just like Nixon gave Marcos his tacit approval, expect

Trump to allow Duterte to be Duterte and assert more and more authority. And all of it likely to go unchecked from the New Nixon, Donald Trump.

EMIL GUILLERMO is an

award-winning journalist and commentator who writes from Northern California. He recently won the 2015 Dr. Suzanne Ahn Award for Civil Rights and Social Justice from the Asian American Journalists Association California.



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# DISCOVERING LAGUNA ON A ROAD TRIP

RENDEZVOUS by Christine Dayrit; Photos by Bum Tenorio

**T**here are times when the best vacations are truly found in your backyard. You hop in the car and speed off to a nearby destination you've been aching to discover. Then you experience the road trip of your life. The experience is like hitting the Lotto jackpot — because you don't stop talking about it, and because the experience has made you a richer person in more ways than one.

One early morning, my sisters Michelle Soliven and Jaqui Boncan, our family friend Dr. Marite Vergara and I went on a Laguna road trip. My best friend Bum Tenorio, a proud promdi from Cabuyao, Laguna, was our guide.

Laguna, made up of 24 municipalities and six cities, is a treasure trove of scenic spots,



The view of Laguna Lake from Cavinti

yummy delights, centuries-old churches and nature's bounty. Every town in the province is a repository of tradition and culture. Laguna offers food for the soul as well as fodder for the stomach.

For example, do you know that there's a miraculous image of Jesus Christ in the Sto. Sepulcro Shrine of Landayan in San Pedro, the closest part of Laguna to Metro Manila? The faithful believe that if you touch the cord of Tata Uweng,

the term of endearment bestowed upon the religious statue, your prayers will be granted. That's food for the soul.

And as for food for the body, Binan, the next town after San Pedro, is the answer. Of course, you've heard about the famed Puto Binan. Wait till you hear about Tony's Goto in the public market of the city. You visit Binan and you leave the city burping.

Laguna is old and new.



Amorsolo-like scene in Gulod during palay harvest season

And the distance between the old and the new is just a stone's throw away. The City of Santa Rosa is the theme park capital of Laguna, what with Enchanted Kingdom nearby, while Calamba is home to the historic House of Rizal — and the hot spring resorts in Pansol. (Caution: traffic in Calamba area can test your temper so it is really advisable to leave Manila very early in the morning for the road trip.)

In between Santa Rosa and Calamba is Cabuyao. Almost every week, I get to visit Gulod, a bucolic barrio in Cabuyao, because that's where my BFF Bum Tenorio is from.

Gulod is a lakeside community that offers some of the best scenes of summer akin to many international destinations I have seen. I watched the glorious sunset in Gulod while we were in the middle of the watermelon field. Many times, Bum brought me to the shore and we watched as a herd of carabao (water buffaloes) cooled off in the lake. The sight, though small in scale, was reminiscent of the scene I saw in Tanzania and Zambia during the migration of animals. Another time, I had to rub my eyes when I saw Brahma cows grazing on the verdant

(continued on page 9)

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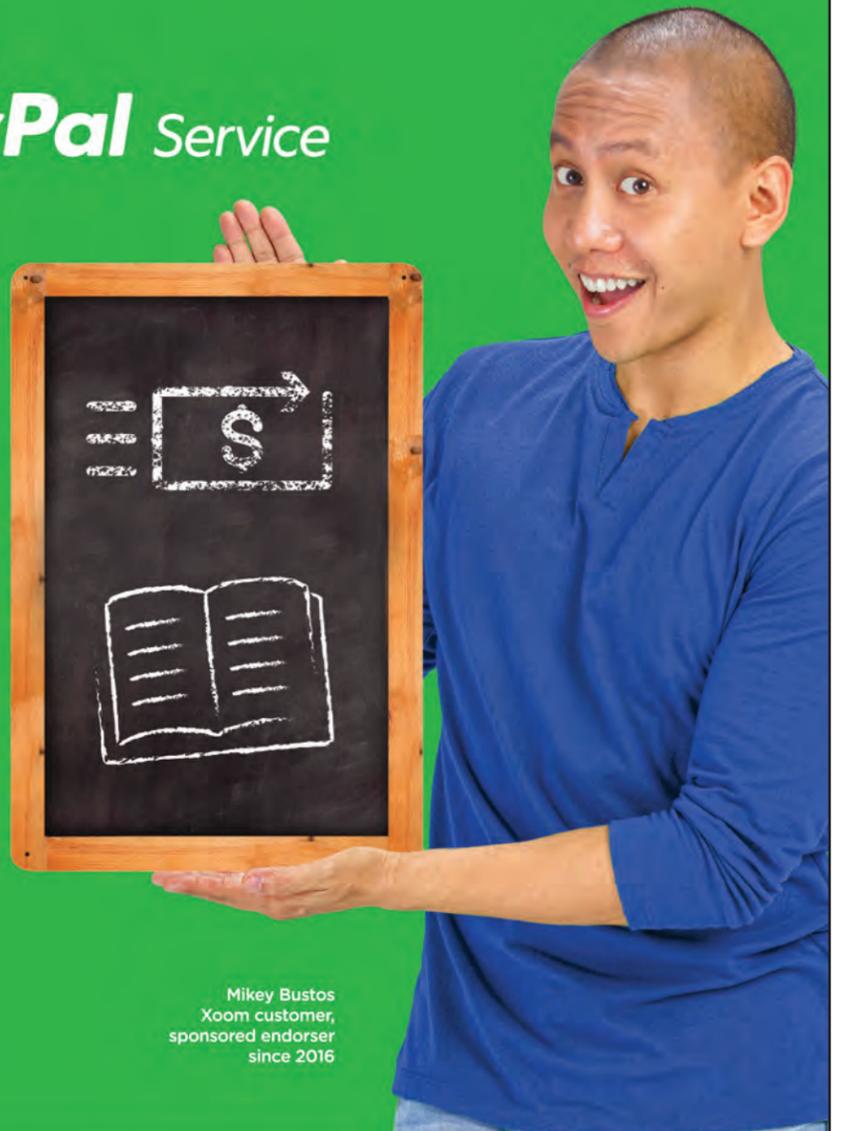
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TRAVEL & TOURISM

(from page 8, **DISCOVERING....**)

grassland by the lake, cinematically reminiscent of New Zealand. Such scenes are feasts for the eyes. But the real feast is always found on the long table under the himbaba-o tree of Bum's home where his mother, a gifted cook, serves the best *sinigang sa bayabas na bangus, hamonado, sinalab na ayungin* (grilled fish), *ginatang biya, pesang dalag* and *morcon*.

On this road trip, Marite, an OB-gyn, was craving buco pie. So, we stopped by Lety's Buco Pie and Original Buco Pie, two of the best brands in Anos, Los Baños. Passing the PCAARRD road, we also drove to DTRI (Dairy Training Research Institute) inside UP Los Baños to buy fresh milk and chocolate milk. DTRI also sells cottage cheese, feta and gouda, among other cheeses. Jaqui was so interested to learn about cheese-making that on the spot she enrolled in a three-day class in UPLB.

The UPLB campus, where Bum finished his BA in communication arts, is verdant, enormous and right at the foot

of Mt. Makiling. (I will write a separate article on it in the future because UPLB is rich with natural and manmade wonders.)

In UPLB, we drove up to the National Arts Center, a building complex with a land area of 13.5 hectares nestled on top of Mount Makiling that is home to the Philippine High School for the Arts. The steep drive was picturesque as the paved road that led to the Tanghalang Maria Makiling, where the Philippine Philharmonic Orchestra recently performed, was nestled among drooping vines, ferns, dapo plants, fruit trees and hardwood trees. When we reached the top, we rolled out our banig and feasted on buco pie and choco milk. Before us was a beautiful view of Crocodile Lake.

At the National Arts Center, we passed by St. Marc's chapel where we ogled the chapel's cross that features the outline of a crucified Jesus designed by Leandro Locsin. And



A Paete woodcarver at work

before we left UPLB, we passed by Ginhawa Craft Studio Café, a quaint restaurant cum gallery near the Fertility Tree of the university. A handcrafts fair is ongoing at the café until today (May 14).

A road trip to Laguna is an excursion to the culinary delights of the province. For lunch, we found ourselves in the town of Bae (or Bay), where we indulged in the glorious food of Kamayan sa Palaisdaan. We sampled the

restaurant's sumptuous *sinuglaw* (grilled tilapia wrapped in mustasa leaves and simmered in coconut milk), grilled squid, *ensaladang mangga* and *sinampalukang manok*.

The town is also known for Monay Bae found in Tenorio's Bakery (perhaps the owners are relatives of Bum because they also came from Batangas, the roots of the Tenorios.) The bread is sold hot over the counter, straight from the brick oven. It goes well with kalamay or coconut jam.

When we reached the town of Victoria, we were greeted by gigantic statues of ducks. Then we smelled duck confit being fried somewhere. Our noses led us to Itlog Ni Kuya restaurant where we had *kinulob na itik*. This place is heaven, we decided.

We drove past the towns of Pila and Sta. Cruz. The well-paved highways are dotted with potted bougainvilleas among other flowering plants. There were ambulant fruit

vendors selling cantaloupe, honeydew melon and watermelon. We stopped to buy the fruits.

Next, the old town of Pagsanjan came alive. On a street lined with old houses, there were people with placards inviting us to try shooting the rapids of Pagsanjan Falls. We contented ourselves watching the colorful boats that passed along the Pagsanjan River from Balanac Bridge. Here's the deal: push through further past the bridge and you will find Aling Taleng's restaurant and discover its famous specialty: halo-halo. The sweet flavors of this halo-halo gloriously melt in the mouth.

The town of Lumban comes next after Pagsanjan. Lumban is famous for its intricate and exquisite embroidery. Visit Cris Allen's Embroidery, for example, for its jusi, piña, and silk fabrics that it fashions into barong Tagalog and long gowns. Using the same materials, a designer gown worth P80,000 in Manila can be had

(continued on page 11)

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## Lea Salonga to Perform at Kristi Yamaguchi's Concert on Ice

Singer, actress, Tony Award winner Lea Salonga will perform at Kristi Yamaguchi's GOLDEN MOMENT HAWAII, an extraordinary "concert on ice" to benefit early childhood literacy in Hawaii. Show times are Saturday, Sept. 9 at 7 p.m. and Sunday, Sept. 10 at 4 p.m. Tickets are available at Ticketmaster and the Blaisdell Center Box Office.

GOLDEN MOMENT, a project of Yamaguchi's Always Dream Foundation (ADF) to support Hawaii's Title 1 schools.

For two shows only, the Blaisdell Arena stage will be frozen over to showcase a cast of figure skating champions from North America and Japan. The skating extravaganza will be choreographed to live performances by Salonga and additional local

artists to be announced in June. Current confirmed cast includes: Gold Medalists: Kristi Yamaguchi (Albertville), Brian Boitano (Calgary), Meryl Davis and Charlie White (Sochi), Ekaterina Gordeeva (Calgary) and Shizuka Arakawa (Turin); Bronze Medalists: Daisuke Takahashi (Vancouver), Jeremy Abbott (Sochi); World Champion: Yuka Sato (Chiba, Japan); National Champions: Caydee Denney & John Coughlin (U.S.)

Known across the world for her powerful voice and perfect pitch, Lea Salonga is a singer and actress who is best known for her Tony Award winning role in Miss Saigon. In addition to the Tony, she has won the Olivier, Drama Desk, Outer Critics Circle and Theatre World Awards, in the field of musical theatre. She



LEA SALONGA

was also the first Asian to play Eponine in the musical Les Misérables on Broadway and returned to the beloved show as Fantine in the 2006 revival. Currently, Lea is a judge on the Philippines hit version of "The Voice."

Yamaguchi said, "I'm thrilled to have Lea join us for Golden Moment 2017. Hawaii is like a second home to both of us, and we're so excited to perform here together for the first time, not only to bring a

once-in-a-lifetime show to the people of Hawaii, but to support early childhood literacy for underserved kids in the Aloha State."

The first Golden Moment Hawaii, in November 2015, raised more than \$200,000, and the Always Reading pro-

gram is now serving more than 400 kindergarten students at seven Elementary Schools on Oahu: Kalihi-Kai, Linapuni, Fern, Puuhale, Waiahole, Pope and Kalihi. Net proceeds from Golden Moment stay in Hawaii to support Title 1 schools throughout the state.

For further information visit [www.alwaysdream.org](http://www.alwaysdream.org).

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*Dr. Jon Avery Go is a Magna Cum Laude graduate of the University of Santo Tomas Faculty of Medicine and Surgery and underwent training at the Roger Williams Medical Center in Providence, Rhode Island which is affiliated with Boston University School of Medicine.*

## Kupuna Caregivers Program Passes, Legislature Allocates Funds for Homeless Programs and Education

While the 2017 Hawaii State Legislature closed without passing a few high profile measures on rail, Death with Dignity, and adequate funding for Housing, lawmakers did manage to take action on a number of priority areas including homelessness, healthcare, education and the environment.

The Kupuna Caregivers Program HB 607 was approved and awaits Gov. David Ige's signature for adoption. HB 607 is the first of its kind in the nation that helps those who care for the elderly to receive a voucher assistance from the State while they continue to work. The bill aims to help seniors remain at home in the care of their families instead of staying at a care home facility.

Lawmakers approved the allocation of about \$40 million over the next two years on homeless programs, a top priority of the Legislative Program, including \$500,000 each year for services for homeless individuals with serious and persistent mental health challenges; \$800,000 for outreach and counseling services for chronically

homeless individual families with severe substance use disorders and \$300,000 each year for clean and sober housing for chronically homeless individuals.

In the area of education, \$90 million was allocated to address conditions for school facilities statewide. The Legislature passed SB423 which ensures that public school students will receive a school meal, even if the student's meal fund account balance is zero. \$1 million in general funds was appropriated in each fiscal year for the Early College High School Initiative.

Lawmakers passed measures to address our environment including funding to fight invasive species such as the Coffee Berry Borer and to provide support in the Rapid Ohia Death response. They also passed SB559 which ensures statewide support for Hawai'i's green initiatives and measure the efforts being made to mitigate the effects of climate change throughout the state.

In addressing a disease making headlines locally and nationally, \$1 million was appropriated to address Rat Lungworm disease.

## HAWAII-FILIPINO NEWS

## Getting Tested for Hep B

Medical experts and community advocates in Honolulu joined to mark Hepatitis Testing Day on May 19, and to raise awareness of a disease that affects as many as two million Americans: chronic hepatitis B.

A documentary short film BE ABOUT IT was also released. The film chronicles the lives of two Asian Americans, Alan and AJ, as they battle chronic hepatitis B, and how

their families cope with the impact of this potentially-life threatening disease. Visit hepBsmart.com to learn about the documentary.

People of Asian descent bear the heaviest burden of those contracting hepatitis B (hepB), representing nearly three-quarters of individuals affected worldwide. In the United States, up to one million Asian Americans have hep B -- that's half of all cases in the country.

Hep B can be diagnosed with a simple blood test. Asking your personal physician about the screening is crucial because there is little to no signs of the disease until the very late stages.

Hep B is caused by a virus that is transmitted via blood or other bloody fluids. Hep B can be managed, and the disease can be prevented -- but if left untreated, the complications of hep B can potentially be life threatening.

First-generation Asian

Americans from the Philippines, China, Korea, and other Asian countries are at particularly high risk for hep B due to low rates of infant vaccination

against the disease in these countries. Most Asian Americans who have hep B contracted it during childbirth from their mothers.

## First "FilGrad" Graduation Ceremony Held at UH Manoa

History was made at the University of Hawaii. The UH Manoa College of Education Tinalak Filipino Advisory Council, in partnership with the UH Manoa Filipino and Ilokano Programs, held the first-ever graduation ceremony for Filipinos called "FilGrad" on May 6, in the UH Manoa Art Auditorium.

Twenty-five students were given certificates. They represented a diverse set of majors such as Marketing, Public Health, Philippine

Language and Literature, Molecular Biosciences and Biotechnology, Ethnic Studies, Anthropology, Biology, English, Human Development and Family Studies, Human Resource Management, Kinesiology and Rehabilitative Science, Public Health, and more. At the commencement ceremony, students wore custom made stoles from the Philippines.

Dr. Amy Agbayani, who recently retired from UH Mānoa as an Assistant Vice Chancellor for Student Diver-

sity and Director of the Office of Student Equity, Excellence and Diversity (SEED), was the keynote speaker. The student address was delivered by Bryant De Venecia, who received a B.A. in Political Science - Law & Society.

"FilGrad" puts the spotlight on Filipinos who have reached the requirements to receive a degree at any level of higher education. Unlike any other commencement ceremony, "FilGrad" is put together by the graduates themselves and in turn reflects their journey in higher education.

## TRAVEL &amp; TOURISM (from page 9, DISCOVERING...)

in Lumban for P8,000 made by a local seamstress.

Paete, the woodcarving capital of the Philippines, comes next after Lumban. Artistry is felt in the air as one enters the town of Paete. The sound of chisel and hammer is heard around the vicinity. Woodcarvings of all shapes and sizes are displayed in the stores. There's also *taka* or paper mâché.

To be in Paete is to be in arts heaven. We were told that even before kids go to school, they first learn to hold the paet (chisel). For many kids, their toys are a piece of wood that they carve. Paete reminded Bum and me of a woodcarving Alps town in Interlaken, Switzerland that we visited last year.

The towns of Pakil and Pangil were next. We drove along the streets as we raced to catch the setting sun. The view of Laguna Lake from these towns is marvelous, enchanting, enthralling. We needed to

stop to watch the sunset. The scene of dusk was subdued but it was sublime. We asked the friendly neighborhood if we could roll out our picnic banig on the rice field overlooking the lake. There, as we bid another day goodbye, we snacked on Monay Bae with cottage cheese and *kalamay*.

When we had our fill of Monay Bae, we boarded the car and off we sped to the charming, pastoral towns of Siniloan and Famy. In Famy, Bum made us stop to buy big jars of *lambanog* or coconut wine.

We passed by parts of the very fertile town of Sta. Maria, Laguna before hitting the town of Mabitac. Light and darkness were in steep competition when we reached Mabitac but we still spotted what the town was selling on the road: rocking chairs and baskets made of rattan. There were also pineapples, chicos and avocados, even palm vinegar in plastic containers.

Mabitac was the end of our Laguna road trip. Did we go back to Calamba exit to return to Manila? No. Next to Mabitac is the town of Pililia, which is already part of Rizal. We went home to Makati using Rizal roads. We left Makati for the Laguna road tour at 7 a.m. and by 9 p.m. we were back home.

Bum promises to bring us on another Laguna road trip. Next time, we will pass the route that will lead us to San Pablo (Seven Lakes), Calauan (for the pineapple with kalawang), Majayjay (for the falls), Nagcarlan (for the underground cemetery and *espasol*), Liliw (for the super-cold running brook and slippers), and other towns.

In a day, on a road trip, Laguna will satiate your wanderlust. This exquisite province will prove to you that some of the best vacations are truly found in your own backyard. For a traveler like me, Laguna is love. ([www.philstar.com](http://www.philstar.com))

## Free Citizenship Classes Offered

Pacific Gateway Center is offering free ESL/Citizenship classes to Filipino green card holders. There will be an orientation session about the classes on May 22.

These classes are funded by USCIS (United States Citizenship and Immigration Services) so all classes are free and include all textbooks and other materials.

The purpose of the class is to help prepare green card holders to pass the naturalization exam and become US citizens. Students will improve on their reading, writing, listening skills in English as well as learn US civics and history in preparation of the exam. Evening and weekend classes available.

For more information on the orientation session or class schedule, call 808-851-7001 or 808-851-7010.

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## MAINLAND NEWS

# Sen. Schatz and Rep. Gabbard Criticize Trumpcare

WASHINGTON, DC—President Ronald Trump's American Health Care Act (AHCA) passed the House of Representatives by a vote of 217-213 and currently sits on the U.S. Senate for debate.

U.S. Senator Brian Schatz (D-HI) said the AHCA passed the House in a strictly partisan vote. He hopes that the Senate can improve on the bill in a bipartisan way.

"House Republicans rammed through a bill that would strip at least 24 million Americans of their health care and raise the costs for those with pre-existing conditions. It's shameful and immoral. But it can stop here. The Sen-



ate has the opportunity to walk away from Trumpcare and instead work in a bipartisan way to improve people's health care, not take it away."

Congresswoman Tulsi Gabbard (D-HI) voted against AHCA. "The bill that passed today is not a healthcare bill—

it's a big handout to insurance and pharmaceutical companies. This bill slashes \$880 billion from Medicaid, strips away health benefits like maternity care, substance abuse treatment, and mental health services, expands a crippling age tax on our seniors, elimi-

nates healthcare tax credits for over 7 million veterans, and breaks the bank for those with pre-existing conditions. While corporations rake in over \$600 billion in tax breaks, many low-income Americans will see their coverage drop completely. This partisan bill was rushed through, resulting in corporate benefits on the backs of the people.

"We need real healthcare reform that brings down costs, increases access to quality care, and ensures basic health services are available to all Americans. As a cosponsor of H.R.676, the Expanded & Improved Medicare for All Act, I'm working towards a system

that will provide universal healthcare to all Americans—a standard met by nearly every other industrialized nation."

The bill is opposed by the AARP, the American Academy of Family Physicians (AAFP), the American Academy of Pediatrics, the American Medical Association (AMA), the American Hospital Association, the American Nurses Association, the National Disability Rights Network, the AFL-CIO, the National Farmers Union, the National Education Association, among others. The bill passed the House by a vote of 217-213 and now heads to the Senate for consideration.

## Federal Funding for Hawaii Programs Increased in Bipartisan Spending Deal

WASHINGTON, DC—Senator Brian Schatz (D-HI), a member of the powerful Senate Appropriations Committee, announced that Congress' bipartisan spending deal will increase federal funding for critical programs that benefit Hawaii for fiscal year 2017.

"Despite the proposed cuts and threats of a government shutdown from the administration, Congress was able to come together and agree on a budget that reflects our priorities as a country. It will protect federal funding for Hawai'i and increase federal spending for the Coast Guard and programs that support medical research, clean energy, and science," said Senator Schatz.

"From Native Hawaiian programs to our military, this appropriations bill funds all our key priority areas. Our entire local economy depends on these resources so this will be a relief for many residents."

The deal reached by congressional leaders will fully fund the East-West Center and increase funding for Native Hawaiian health and housing programs. The bill also restores funding for Pell Grants, increases funding to support the Coast Guard, and adds billions in funding for various programs that support clean energy, transit, science, and medical research. But it will not fund President Donald Trump's promised border wall or eliminate funding for

Planned Parenthood.

Highlights for Hawai'i include:

**East-West Center – \$16.7 million.** The East-West Center directly supports the U.S. rebalance to the Asia Pacific through cooperative study, research, and dialogue with countries in the region. It is the only U.S. institution that provides a multilateral approach to learning through research and exchange programs. Senator Schatz secured an increase of \$5.9 million above the president's budget request.

**Native Hawaiian Housing – \$2 million.** The Native Hawaiian Housing Block Grant Program provides financial assistance for Native Hawaiian families to obtain

new homes, make renovations, build community facilities, and receive housing services, including counseling, financial literacy and other critical resources to address housing disparities. Congressional Republicans blocked funding for fiscal year 2016. This year, President Obama requested \$500,000 for the program and Senator Schatz worked to secure additional funding for the program through the appropriations process.

**Native Hawaiian Health Care – \$14.4 million.** Many Native Hawaiian families face geographical, cultural, and financial barriers that make it difficult for them to access existing health services. Native Hawaiian Health Centers, run through the Native Hawaiian Health Care Systems (NHHCS) program, provide critical access to health education, promotion, disease prevention, and basic primary care services for thousands of Native Hawaiians enrolled in the NHHCS programs. This funding will support five health centers on Hawai'i Island, Kauai, Molokai, Maui, and Oahu. This is a nearly one million dollar increase from last year.

**Native Hawaiian Education—\$47.2 million.** Funding includes \$33.4 million for Na-

tive Hawaiian elementary and secondary education programs provided under the Native Hawaiian Education Act; and \$13.8 million for higher education programs established under Alaska Native and Native Hawaiian-Serving Institutions, and the Alaska Native-Serving and the Native Hawaiian-Serving Institutions Education Competitive Grants Program. Native Hawaiian education programs help strengthen Native Hawaiian culture, increase community cohesion, sustain and advance Native Hawaiian language learning and literacy, improve levels of educational attainment, and enhance family and community involvement in education.

**Clean Energy Research for the Military – \$55 million.** Hawai'i continues to lead in clean energy technology and implementation, which will pay dividends to our state, our economy, and our national security. This funding supports a number of programs nationwide, such as the Air Force's ongoing microgrid testbed at Joint Base Pearl Harbor-Hickam that will help ensure that the Air National Guard has access to the energy it needs to execute its defense and homeland security missions, while

(continued on page 15)

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## LEGAL NOTES



By Atty. Reuben S. Seguritan

## Voluntary Departure as Option for Undocumented Immigrants

he may be entitled to. If he wishes to return to the United States, he must do so with a new visa or a green card.

The request for voluntary departure can be made before the start of removal proceedings or at the start of removal proceedings or during removal proceedings or at the conclusion of removal proceedings. Voluntary departure is available to undocumented immigrants who do not qualify for any other immigration relief and who want to return to their home country and avoid costs and court proceedings. However, any request for voluntary departure will not be granted for any removable undocumented immigrant if the grounds for removal are for national security reasons, or for public safety reasons, or if he has been convicted of an aggravated felony or any serious criminal offense or is a terrorist.

Before the start of any court proceedings the undocumented immigrant can ask the Department of Homeland Security (DHS) to be allowed to voluntarily depart the United States. He must ask for this op-



tion because the DHS is not required to inform him that this option even exists. If the DHS allows him to voluntarily depart the United States, he will depart within 120 days at his own expense. The DHS may also require him to post a bond, to stay in detention until departure and to depart under certain conditions. However, voluntary departure before immigration proceedings are filed is not available for alien nationals stopped at the US border and prevented from entering the US.

If the undocumented immigrant believes he is entitled to immigration relief such as cancellation of removal, adjustment of status or political asylum, he might be better off presenting his case and defenses in immigration court. The undocumented immigrant

would have the opportunity at the start of and during removal proceedings to request for voluntary departure. However, requesting for voluntary departure at these stages is purely discretionary on the immigration judge. The judge will consider factors such as criminal convictions, immigration history and family and community ties in the United States in order to determine whether the undocumented immigrant is entitled to voluntary departure.

At the start of removal proceedings, the undocumented immigrant making the request for voluntary departure must do so before or at the first hearing, make no other immigration relief request, admit that he is removable from the United States, waive the right to appeal all issues and prove that he has not been convicted of an aggravated felony and not deportable on the grounds of national security or for public safety reasons.

During the court proceeding, the undocumented immigrant may ask for voluntary departure from the DHS attorney prosecuting the case. If the

DHS attorney agrees, he will submit the motion to terminate the removal proceedings. The DHS will then grant the voluntary departure of the undocumented immigrant.

Lastly, the undocumented immigrant may request for voluntary departure at the end of the removal proceedings when he thinks that the relief prayed for will not be granted. Voluntary departure at this stage requires that the undocumented immigrant must have been physically present in the US for at least one year prior to the service of the Notice to Appear (NTA) sent by the DHS and must show that he can post a bond within 5 days of the judge's order. He must be of good moral character for at least 5 years before seeking voluntary departure and must not have been granted voluntary departure previously after having been found inadmissible. He must produce a valid passport or travel document and must be able to leave the US at his own expense and within the required time.

**REUBEN S. SEGURITAN** has been practicing law for over 30 years. For further information, you may call him at (212) 695 5281 or log on to his website at [www.seguritan.com](http://www.seguritan.com)

## PHILIPPINE NEWS

## Philippines Ends P13.8-B Funding from European Union

by Patricia Lourdes Viray  
Thursday, May 18, 2017

**M**ANILA, Philippines (Update 3, 1:38 p.m.) — The Philippine government has decided to end its funding agreement with the European Union (EU), the EU delegation to the Philippines confirmed Thursday.

EU Ambassador to the Philippines Franz Jessen said in previous reports that the government has informed them that the country will no longer accept new EU grants.

The EU delegation to the Philippines is yet to release an official statement announcing the end of the agreement.

Executive Secretary Sal-

vador Medialdea said that Philippines rejected aid from the EU so as to "prevent them from interfering with our internal affairs."

This move comes days after China promised to pour in billions of dollars for projects under its One Belt, One Road initiative which could purportedly help the Philippines.

Trade Secretary Ramon Lopez said that the country is already benefiting from Beijing's aid and assistance worth \$24 billion.

President Rodrigo Duterte earlier had challenged the EU to stop its assistance after the bloc warned that the Philippines risks losing tariff-free exports to Europe be-



cause of the thousands killed in the war on drugs launched by Duterte and Manila's moves to revive the death penalty.

"The President has approved the recommendation of the Department of Finance not to accept grants from the EU that may allow it to inter-

fere with internal policies of the Philippines," presidential spokesman Ernesto Abella said Thursday.

Cutting aid from the EU, however, would mean the loss of about €250 million or \$278.73 million worth of grants, according to Jessen.

"The amount possibly concerned by the new decision is 250 million euro plus. For this year the amount affected could be 100 million euro," the ambassador said.

Development projects currently using EU assistance include a 35 million euro (\$39 million) grant to support the peace process with rebels in Mindanao.

The EU has been a strong critic of Duterte's anti-drug

campaign.

In a joint resolution adopted in March, the European Parliament called for an investigation into "unlawful killings and other violations" in the Philippines linked to the so-called war on drugs.

Latest data from the Philippines Statistics Authority showed that the EU is the biggest and fastest growing export market for Philippine goods with \$901 million of total exports.

The growth was triggered by factors supported by the economic bloc's Generalized System of Preferences Plus (GSP+) trade benefits, which fully removes tariffs on two-thirds of all product categories. ([www.philstar.com](http://www.philstar.com))

## EDITORIALS

*(from page 3, BEING A PET OWNER....)*

any other animal in the care of the violator.

**Being a responsible owner**

Most pet owners treat their animals with great care and see them as extended members of their family. But sometimes pet owners fail to realize that pet ownership should be a lifetime commitment. When pets are abandoned or sent to shelters, it usually involves matters of inconvenience to the owner. The

American Humane Association reports that the most common reasons why pets end up in shelters is because the owner's place of residence does not allow pets, the owner does not have enough time to care for the pet, a divorce or death occurs of the primary owner, or the pet has bad behavior. Allergies is a common reason why cats are given away.

Before adopting a pet, potential owners must consider

matters such as time, residence, allergic reaction, patience to train a pet that misbehaves, and a host of other situations. Ask yourself: Will you be able to take your pet with you if you decide to move? Do you have the right temperament to own a pet and not resort to physical abuse? Studies show that in homes where domestic spouse or child abuse occurs, pets are also targeted. If you have anger man-

agement issues or a history of violence, owning a pet is not right for you.

Pet ownership can be an immensely rewarding experience. Perhaps there is no greater inter-species connection than humans and their dog or cat. This special relationship is so common that it's estimated there are 70-80 million dogs and 74-96 million cats owned in the U.S. About 37-47 percent of all households in the

U.S. have a dog, and 30-37 percent have a cat. That's a lot of love being shared. When you are ready to commit to being a responsible owner, consider adopting a pet from an animal shelter and help save a life. Each year about 7.6 million animals enter an animal shelter; approximately only one-third of them end up leaving. If you already own a pet: remember that animal cruelty is not only wrong, it is a crime.

**WHAT'S UP, ATTORNEY** *(from page 7, IS USCIS...)*

944330, at \*6 (N.D.Tex. Mar. 28, 2007)). In determining whether the Attorney General unreasonably delayed in adjudicating an application to adjust immigration status, courts have applied a rule of reason, considering: (1) the source of the delay, (2) the complexity of the investigation, (3) whether any party participated in delaying the proceeding, (4) the nature and extent of the interests prejudiced by the delay, and (5) whether expediting action on agency activities will have an adverse affect on higher or competing priorities. See *Linville*, 489 F.Supp.2d at 1282-83; *Razaq*, 2007 WL 61884, at \*6; *Bartolini v. Ashcroft*, 226 F.Supp.2d 350, 354 (D.Conn.2002).” *Bele-*

*gradek v. Gonzalez*, 523 F.Supp. 2d 1364 (N.D. Georgia).

**Allegations of Petitions**

Earlier this week, a Caucasian colleague asked us to assist in filing a petition for mandamus to compel USCIS to adjudicate an I-130 petition filed by an alien's U.S. citizen spouse which had been pending in the USCIS for more than a year.

The petition has been filed alleging the following:

1. Introduction, nature, and purpose of the action.

2. Jurisdiction – U.S. District Court. See 28 U.S.C. § 1361 (mandamus statute), 28 U.S.C. § 1331 (federal question), 28 U.S.C § 2201 (de-

claratory judgment).

3. Venue (where to file petition) – any judicial district where respondent resides, or where petitioner resides, or where a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C § 1391(e).

4. Parties – Petitioner is the person who filed the Visa Petition that has been unadjudicated. Respondents are: the Secretary of the Department of Homeland Security, the USCIS Director in Washington, D.C., the USCIS Director of the Service Center where petitioner filed the Visa Petition. Their office addresses should be provided.

5. Cause of action and standing (a) clear legal right of

the petitioner to the relief demanded, (b) clear legal and ministerial duty of the respondent to perform the act sought to be performed, See 5 U.S.C. §§ 551 et seq. (Administrative Procedure Act), (c) exhaustion of all other remedies available, (d) absence of any other remedy available, except mandamus, (e) irreparable injury to petitioner because of respondent's unreasonable failure to act and perform a duty owed to petitioner.

6. Claim for attorney's fees and costs pursuant to 28 U.S.C § 2412.

7. Prayer for relief – request court to order respondent to process petition or application, to furnish petitioner with a copy of the order granting or denying the visa petition, to order respondents to pay attorney's fees and costs, to award such other relief as may be just and proper.

8. Verification of petition by petitioner.

Summons on respondents. In addition to serving the petition on the above-named respondents, service of the summons should also be made on the Office of the General Counsel, Department of Homeland Security, Washington, D.C. 20258.

Filing requirements. Petitioner or his Counsel must read the Federal Rules of Civil Procedure and the U.S. District Court local rules.

Filing fee. There is a filing fee. Petitioner or his Counsel should check the amount with the District Court where he intends to file the petition.

**COMMENT AND SUGGESTION:** In a previous case where a District Director unreasonably refused to adjudi-

cate an application for adjustment of status, we prepared a complaint for mandamus, naming him as one of the respondents, and showed the complaint to him. He asked for a week to review the complaint. In less than a week, the adjustment of status was granted. However, do not try to bluff a District Director that you are going to file a complaint, unless you know him well and unless you have a copy of the complaint to show to him, the filing fee in your hand, and your attorney's fees paid by the client.

**ATTY. TIPON** has a Master of Laws degree from Yale Law School where he specialized in Constitutional Law. He has also a Bachelor of Laws degree from the University of the Philippines. He placed third in the Philippine Bar Examination in 1956. His current practice focuses on immigration law and criminal defense. He writes law books for the world's largest law book publishing company and writes legal articles for newspapers. He has a radio show in Honolulu, Hawaii with his son Noel, senior partner of the Bilecki & Tipon law firm, where they discuss legal and political issues. Office: American Savings Bank Tower, 1001 Bishop Street, Suite 2305, Honolulu, Hawaii, U.S.A. 96813. Tel. (808) 225-2645. E-Mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Website: [www.bileckilawgroup.com](http://www.bileckilawgroup.com). He was born in Laoag City, Philippines. He served as a U.S. Immigration Officer. He is co-author with former Judge Artemio S. Tipon of the best-seller "Winning by Knowing Your Election Laws" and co-author of "Immigration Law Service, 1st ed.," an 8-volume practice guide for immigration officers and lawyers. Atty. Tipon has personally experienced the entire immigration cycle by entering the United States on a non-immigrant working visa to write law books, adjusting his status to that of a lawful permanent resident, and becoming a naturalized United States citizen

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## COMMUNITY CALENDAR OF EVENTS

**PMAH MEMORIAL WEEKEND & CME** | May 27 - 29, 2017 | TURTLE BAY HILTON | Contact Nelly Pongco Liu @ 228-7808, Carlota Ader @ 797-4381 or Mercy Mullins @ 226-1320.

**119TH PHILIPPINE INDEPENDENCE DAY CELEBRATION** | brought to you by the Philippine Celebrations Coordinating Committee of Hawaii (PCCH) in cooperation with the Philippine Consulate General | June 10, 2017 | 8:00 pm | PCG, HILTON HAWAIIAN VILLAGE RESORTS, TAPA BALLROOM | Contact: Cecilia Villafuerte @ 780-4985, Bernadette Fajardo @ 342-5090 or Amelia Casamina Cabatu @ 282-2033.

**45TH REUNION OF OPERATION MANONG NOW OFFICE OF MULTICULTURAL STUDENT SERVICES (OMSS)** | June 17, 2017 | 10:00 am - 3:00 pm | UNIVERSITY OF HI MANOA CAMPUS CENTER BALLROOM | \$10.00 per person, Children 12 yrs and under are free. Open to the public. Call for reservations by 5/31/2017. Contact: OMSS Office at 808-956-7348 or email opmanong@gmail.com.

**11TH AMBASSADORS' TOUR TO THE PHILIPPINES** | July 10-16, 2017 | 10:00 am - 3:00 pm | Starting from 1,813.00 (based on hotel twin sharing). Price is on a first come first served basis. For details, contact the Honolulu Philippine Consulate General @ 808-595-6316 to 19.

**FILIPINO NURSES ORGANIZATION OF HI (FNOH) ANNUAL AWARDS AND BIENNIAL INSTALLATION BANQUET** | August 26, 2017 | 6:30-11:30 pm | HILTON HAWAIIAN VILLAGE RESORTS, CORAL BALLROOMS IV & V | Contact Stephanie Chung at 808-221-6212.2626.

**FILIPINIANA BALL AND SCHOLARSHIP AWARDS, PHILIPPINE WOMEN'S ASSOCIATION OF HAWAII** | September 2, 2017 | 6:00 pm | ALA MOANA HOTEL, HIBISCUS BALLROOM | For further info, contact Letty Saban @ 255-9429, Jenny Quezon @ 292-8105 or Edna Alikpala @ 282-3669.

**FILIPINO COMMUNITY CENTER'S BAYANIHAN GALA FUNDRAISER** | October 16, 2017 | Contact FilCom Center @ 808-680-0451 for details.

**2ND PMAH GOLF TOURNAMENT** | October 18, 2017 | 9:00 am (Registration), 11:00 a.m. (Golf Tournament Begins) and 6:00 p.m. (Awarding of Prizes and Buffet Dinner) | HOAKALEI COUNTRY CLUB | For registration, contact Elmer Baysa, MD @ 689-8315, Ray Romero, MD @ 680-0554 or Christopher Regala, MD @ 622-2626.

**HALLOWEEN AND MASQUERADE BALL FUNDRAISING, PHILIPPINE NURSES ASSOCIATION OF HAWAII (PNAH)** | October 29, 2017 | 5:00 - 10:00 pm | ALA MOANA HOTEL, RUMUOURS NIGHTCLUB | Cost is \$30.00, heavy pupus and one drink included. For reservations, contact Ramon Sumibcay @ 489-7148, Tina Salvador @ 426-6183 or Tina Fernandez @ 721-1721.

**ANNUAL KIMONA BALL AND BUSINESS WOMAN OF THE YEAR AWARDS** | November 4, 2017 | 6:00 pm | DOLE CANNERY POMAIIKAI, BALLROOM AT IWILEI ROAD, HONOLULU, HI | Contact Elsa Talavera @ 358-8964.

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(from page 12, FEDERAL...)

providing a proof of concept that alternative energy and microgrid technologies can support the Air Force's broader energy security goals. Senator Schatz worked to secure \$55 million in funding for military alternative energy, which was not part of the president's budget.

**Environmental Restoration on Formerly Used Defense Sites - \$222 million.** Funding supports the U.S. Army Corps of Engineers' continued efforts to identify and remove unexploded ordnance at former military sites across the neighbor islands and ensure that military training and activities remain in balance with Hawai'i's local needs. Senator Schatz worked to secure an additional \$25 million above the president's budget.

**High Performance Com-**

**puting Modernization Program—\$222 million.** Funding supports DoD's regional supercomputing centers, including the Maui High Performance Computing Center (MHPCC). Working with Committee leaders, Senator Schatz was able to increase funding for the program by \$45 million above the President's budget to ensure that DoD has the funding it needs to upgrade the technology at MHPCC so that it can continue to support the military's current and future high performance computing needs in Hawai'i and the Pacific.

**Barking Sands Tactical Underwater Range - \$12.3 million.** The additional \$9 million of funding for the underwater range off Kauai will help ensure that the Navy will continue to have a superior training range in the Pacific to assess

tactics, training, procedures, new technology, and anti-submarine warfare capabilities that are critical to staying ahead of near-peer competitors in the Asia Pacific.

**Maui Space Surveillance System - \$11.7 million.** Funding to support DoD programs that help track, identify, and characterize space objects of interest, including the Dynamic Optical Telescope System.

**Tsunami Hazard Mitigation Program - \$6 million.** The National Tsunami Hazard Mitigation Program provides funding to coastal states for preparedness activities such as inundation mapping, disaster planning, and tsunami education. Using these funds, Hawai'i was one of the first states in the nation to be declared Tsunami Ready.

**Land Acquisition - \$12.2**

**million.** Funding supports continued protection for some of our most important and fragile ecosystems. The bill includes \$6.2 million for Hakalau Forest National Wildlife Refuge and \$6 million for Hawai'i Volcanoes National Park, which will allow those federally protected areas to expand and thrive.

**Endangered Hawaiian Monk Seals and Sea Turtles Protection - \$8.2 million.**

Hawaiian monk seals are the only seal species in the world that live in only one nation's territorial waters--and as an extremely endangered species, that means we have a responsibility to help them toward recovery. This funding will continue to support monk seal conservation and recovery. Funding will also support sea turtle conservation activities such as interagency consulta-

tion and technical assistance on marine turtle by-catch reduction strategies; cooperative conservation actions in the greater Pacific region; marine turtle stock assessments and scientific research projects; and related activities must be continued to make further progress in implementing recovery actions identified in recovery plans for Endangered Species Act protected marine turtle species.

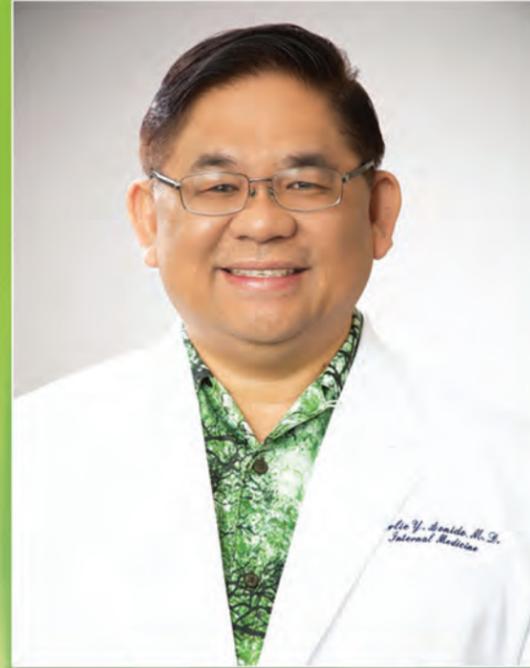
**Coral Reef Conservation Program - \$26.1 million.** Funding supports NOAA's Coral Reef Conservation Program which addresses the top threats to coral reef ecosystems in Hawai'i and across the country. Working with partners, NOAA develops place-based strategies, measure the effectiveness of management efforts, and build capacity among reef managers globally.

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