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# A BILL FOR AN ACT

RELATING TO DUE PROCESS PROTECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii is home to a  
2 diverse population, with a significant portion of its residents  
3 being immigrants or individuals from mixed-status families.  
4 According to the United States Census Bureau, approximately  
5 eighteen per cent of Hawaii's population is foreign-born.  
6 According to the American Immigration Council, nearly eight per  
7 cent of Hawaii's population are United States-born residents  
8 living with at least one immigrant parent.

9           The legislature further finds that many foreign-born  
10 residents face challenges navigating complex immigration  
11 proceedings in immigration court without legal representation.  
12 Language barriers, financial constraints, and the lack of  
13 accessible legal resources exacerbate these challenges.

14           The legislature also finds that individuals facing  
15 deportation or other immigration-related proceedings in  
16 immigration court lack the right to government-funded legal  
17 representation, leaving them to navigate complex legal systems



1 alone unless they retain costly counsel or other assistance on  
2 their own. Unaccompanied minors and deferred action for  
3 childhood arrivals immigrants, who are the most vulnerable, face  
4 immigration proceedings in immigration court often without  
5 representation. Studies have shown that individuals with legal  
6 representation are significantly more likely to achieve  
7 favorable outcomes in immigration proceedings, including relief  
8 from deportation or the ability to remain with their families.

9 The purpose of this Act is to establish a program to  
10 provide access to legal representation for individuals in the  
11 State facing immigration-related proceedings in immigration  
12 court, assuring due process and promoting family unity,  
13 community stability, and economic security.

14 SECTION 2. Chapter 601, Hawaii Revised Statutes, is  
15 amended by adding a new part to be appropriately designated and  
16 to read as follows:

17 **"PART . DUE PROCESS IN IMMIGRATION PROCEEDINGS PROGRAM**  
18 **§601- Due process in immigration proceedings program;**  
19 **establishment.** (a) There is established the due process in  
20 immigration proceedings program. The judiciary shall administer  
21 funding for the program and contract with nonprofit



1 organizations, legal service providers, and other entities to  
2 implement and operate the program and provide program services.

3 (b) The purpose of the due process in immigration  
4 proceedings program shall be to provide legal representation to  
5 individuals residing in the State who are facing immigration-  
6 related proceedings in immigration court, regardless of their  
7 ability to pay.

8 (c) The judiciary shall issue requests for proposals to  
9 select and contract with nonprofit organizations, legal service  
10 providers, and other entities to implement and operate the due  
11 process in immigration proceedings program.

12 **§601- Powers and duties.** In the administration of the  
13 due process in immigration proceedings program, the judiciary  
14 shall ensure that the entities contracted to implement and  
15 operate the program:

16 (1) Provide legal representation to individuals in  
17 immigration-related proceedings in immigration court,  
18 including but not limited to deportation defense,  
19 asylum applications, and other immigration relief  
20 processes;



- 1           (2)   Prioritize services for individuals who are detained,  
2                   at risk of deportation, or otherwise vulnerable due to  
3                   their immigration status;
- 4           (3)   Partner with community-based organizations and legal  
5                   service providers to ensure culturally and  
6                   linguistically appropriate services;
- 7           (4)   Partner with the university of Hawaii at Manoa William  
8                   S. Richardson School of Law in training and educating  
9                   law students and legal practitioners to provide legal  
10                  representation to individuals in immigration-related  
11                  proceedings in immigration court, including but not  
12                  limited to deportation defense, asylum applications,  
13                  and other immigration relief processes;
- 14          (5)   Conduct outreach and education to inform impacted  
15                  communities about the availability of legal  
16                  representation and related resources; and
- 17          (6)   Collect and report data on the program's outcomes,  
18                  including the number of individuals served, types of  
19                  cases handled, length of time each case has been  
20                  pending, and success rates, while maintaining  
21                  confidentiality and protecting sensitive information.



1           **§601- Eligibility.** The judiciary shall establish  
2 eligibility criteria for the program, which shall include:

- 3           (1) The individual is a resident of the State; and
- 4           (2) The individual's income is at or below two hundred  
5           fifty per cent of the federal poverty level for  
6           Hawaii; provided that an exception may be made for  
7           individuals facing extraordinary circumstances.

8           **§601- Annual report.** (a) The judiciary shall submit  
9 an annual report to the legislature no later than twenty days  
10 prior to the convening of each regular session based on the work  
11 of the entities contracted to implement and operate the program.

12           (b) The annual report shall include:

- 13           (1) The number of individuals served by the due process in  
14           immigration proceedings program;
- 15           (2) The types of cases handled;
- 16           (3) The outcomes of the cases;
- 17           (4) The length of time each case has been pending; and
- 18           (5) Recommendations for improving access to legal  
19           representation for individuals in immigration-related  
20           proceedings in immigration court."



1 SECTION 3. Chapter 601, Hawaii Revised Statutes, is  
2 amended by designating sections 601-1 to 601-21 as part I,  
3 entitled "General Provisions".

4 SECTION 4. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or so  
6 much thereof as may be necessary for fiscal year 2025-2026 and  
7 the same sum or so much thereof as may be necessary for fiscal  
8 year 2026-2027 for the establishment and administration of the  
9 due process in immigration proceedings program, including  
10 funding for legal service providers, outreach efforts, and  
11 administrative costs.

12 The sums appropriated shall be expended by the judiciary  
13 for the purposes of this Act.

14 SECTION 5. This Act shall take effect on July 1, 2025.



**Report Title:**

Filipino Caucus; Due Process in Immigration Proceedings Program;  
Judiciary; Appropriation

**Description:**

Establishes the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court. Appropriates funds. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

