
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 the State is home to
2 a diverse population, with a significant portion of its
3 residents being immigrants or individuals from mixed-status
4 families. According to the United States Census Bureau,
5 approximately eighteen per cent of the State's population is
6 foreign-born. According to the American Immigration Council,
7 nearly eight per cent of the State's population are United
8 States-born residents 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 (DACA) immigrants, which are the most
4 vulnerable, face immigration proceedings in immigration court
5 often without representation. Studies have shown that
6 individuals with legal representation are significantly more
7 likely to achieve favorable outcomes in immigration proceedings
8 in immigration court, including relief from deportation or the
9 ability to remain with their families.

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

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

18 **"PART . DUE PROCESS IN IMMIGRATION PROCEEDINGS PROGRAM**

19 **§601- Due process in immigration proceedings program;**

20 **establishment.** (a) There is established the due process in

21 immigration proceedings program. The judiciary shall administer



1 funding for the program and contract with nonprofit
2 organizations, legal service providers, and other entities to
3 implement and operate the program and provide program services.

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

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

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

17 (1) Provide legal representation to individuals in
18 immigration-related proceedings in immigration court,
19 including but not limited to deportation defense,
20 asylum applications, and other immigration relief
21 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) Conduct outreach and education to inform impacted
8 communities about the availability of legal
9 representation and related resources; and
- 10 (5) Collect and report data on the program's outcomes,
11 including the number of individuals served, types of
12 cases handled, length of time each case has been
13 pending, and success rates, while maintaining
14 confidentiality and protecting sensitive information.

15 **§601- Eligibility.** The judiciary shall establish
16 eligibility criteria for the program, which shall include:

- 17 (1) The individual is a resident of the State; and
- 18 (2) The individual's income is at or below two hundred
19 fifty per cent of the federal poverty level for the
20 State; provided that an exception may be made for
21 individuals facing extraordinary circumstances.



1 **§601- Annual report.** (a) The entities contracted by
2 the judiciary to implement and operate the program shall submit
3 an annual report to the legislature no later than twenty days
4 prior to the convening of each regular session.

5 (b) The annual report shall include:

- 6 (1) The number of individuals served by the due process in
7 immigration proceedings program;
- 8 (2) The types of cases handled;
- 9 (3) The outcomes of the cases;
- 10 (4) The length of time each case has been pending; and
- 11 (5) Recommendations for improving access to legal
12 representation for individuals in immigration-related
13 proceedings in immigration court."

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2025-2026 and
17 the same sum or so much thereof as may be necessary for fiscal
18 year 2026-2027 for the establishment and administration of the
19 due process in immigration proceedings program, including
20 funding for legal service providers, outreach efforts, and
21 administrative costs.



1 The sums appropriated shall be expended by the judiciary
2 for the purposes of this Act.

3 SECTION 4. This Act shall take effect on April 23, 2057.



S.B. NO. 816
S.D. 1

Report Title:

Filipino Caucus; Due Process in Immigration Proceedings Program;
Judiciary; Reports; Appropriations

Description:

Establishes the Due Process in Immigration Proceedings Program to provide legal representation to individuals in immigration-related proceedings in immigration court. Requires reports to the Legislature. Appropriates funds. Effective 4/23/2057.
(SD1)

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