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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 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 lack of accessible  
13 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 in immigration  
8 court, including relief from deportation or the ability to  
9 remain with their families.

10 The purpose of this Act is to establish a program to  
11 provide access for legal representation to individuals in the  
12 State facing immigration-related proceedings in immigration  
13 court, ensuring 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 deportation defense, asylum applications,  
20 and other immigration relief 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)   Provide training and education for, or partner with  
8                   entities capable of training and educating, law  
9                   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 due process in immigration  
3 proceedings program, which shall require that each participating  
4 individual:

- 5           (1) Is a resident of the State; and
- 6           (2) Receives an income that is at or below two hundred  
7           fifty per cent of the federal poverty level for the  
8           State; provided that an exception may be made for any  
9           individual facing extraordinary circumstances.

10           **§601- Annual report.** (a) The judiciary shall submit  
11 an annual report to the legislature no later than twenty days  
12 prior to the convening of each regular session.

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



1 (c) The judiciary shall require entities contracted to  
2 implement and operate the program to provide to the judiciary  
3 information necessary for the report."

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

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

15 The sums appropriated shall be expended by the judiciary  
16 for the purposes of this Act.

17 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**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 7/1/3000.  
(HD1)

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

