
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 Hawai'i 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 (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



1 immigration proceedings program within the judiciary. The
2 program shall be administered by the judiciary.

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 may contract with nonprofit
9 organizations, legal service providers, and other entities to
10 implement the due process in immigration proceedings program.

11 **§601- Powers and duties.** In the administration of the
12 due process in immigration proceedings program, judiciary shall:

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

18 (2) Prioritize services for individuals who are detained,
19 at risk of deportation, or otherwise vulnerable due to
20 their immigration status;



- 1 (3) Partner with community-based organizations and legal
- 2 service providers to ensure culturally and
- 3 linguistically appropriate services;
- 4 (4) Conduct outreach and education to inform impacted
- 5 communities about the availability of legal
- 6 representation and related resources; and
- 7 (5) Collect and report data on the program's outcomes,
- 8 including the number of individuals served, types of
- 9 cases handled, length of time each case has been
- 10 pending, and success rates, while maintaining
- 11 confidentiality and protecting sensitive information.

12 **§601- Eligibility.** The judiciary shall establish
13 eligibility criteria for the program, which shall include:

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

19 **§601- Annual report.** (a) The judiciary shall submit
20 an annual report to the legislature no later than twenty days
21 prior to the convening of each regular session.



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

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

18 The sums appropriated shall be expended by the judiciary
 19 for the purposes of this Act.

20 SECTION 4. This Act shall take effect on July 1, 2025.

21



H.B. NO. 438

INTRODUCED BY:

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JAN 17 2025



H.B. NO. 438

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.

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

