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**Hawaii Attorney General Joins Coalition Challenging  
Inhumane and Unnecessary Rule That Risks Deportation of Lawful Residents**

HONOLULU – Attorney General Clare E. Connors today joined a coalition of attorneys general, led by California, in opposing the Trump Administration’s new rule vastly expanding the use of expedited removal. Under the new rule, the U.S. Department of Homeland Security is authorized to deport certain individuals living anywhere in the United States without the due process protections afforded in normal removal proceedings, such as the right to an attorney or a hearing before a judge. In an amicus brief before the U.S. District Court for the District of Columbia, the Attorneys General urge the court to grant a preliminary injunction to halt the implementation of the rule, which was issued without advance notice or opportunity for public comment.

“The new rule authorizing expedited removal strips away fundamental legal protections,” said Attorney General Connors. “It destabilizes families and communities by creating the possibility that persons who are lawfully present in the United States will be arbitrarily deported.”

Under the rule, the Trump Administration is expanding the use of expedited removals to allow federal officials to deport undocumented immigrants from anywhere in the United States under a fast-tracked process that generally does not allow for access to legal representation, witnesses, or a meaningful opportunity to present evidence and defenses. The rule significantly increases the risk that people will be erroneously deported and, for those caught up in the proceedings, virtually eliminates access to the protections afforded during formal immigration hearings. In 2004, the federal government extended the use of expedited removal to include undocumented individuals who were apprehended within 14 days of arrival in the United States by land and within 100 miles of any land border. Now, the U.S. Department of Homeland Security is allowing expedited removal proceedings to be used to deport undocumented immigrants living anywhere in the United States if the individuals cannot establish, to the satisfaction of a rank and file immigration officer, that they have continuously resided in the country for two years. The rule also lacks a clear legal standard. As a result, immigration officials could impose an inconsistent and unclear burden of proof on individuals living in the country, resulting in final deportation orders that are not

generally subject to judicial review. Lawful residents, U.S. citizens, asylees, or other individuals with legal protections that enable them to remain in the country could be mistakenly subjected to deportation.

In the brief, the Attorneys General note that the policy will inflict serious harm on the states' families and communities. For instance, mixed-status households with both lawful and undocumented residents may be torn apart with little or no time to prepare or seek legal representation. The prospect of sudden and unexpected separation can cause children to experience serious mental health problems, including depression and anxiety. This can manifest in physical symptoms in children such as persistent stomachaches and headaches, refusing to eat, pulling out their hair, engaging in substance abuse, and losing interest in daily activities. These harms are worsened when fears of forcible family separation come true. In addition, because of the rule, immigrants may be even less likely to report crime or exploitation or seek needed medical care, negatively affecting public safety and health.

In filing the amicus brief, Attorney General Connors joined the Attorneys General of California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Vermont, Virginia, Washington, and the District of Columbia.

A copy of the brief is available [here](#).

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