

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2600 (Bonta) – As Amended April 9, 2026

SUBJECT: Immigration: access to legal counsel

SUMMARY: Requires the state to provide legal counsel to every covered individual who is not otherwise represented, beginning at specified stages of immigration custody or proceedings. Requires the California Department of Social Services (CDSS) to establish the office of the administrator, and requires the administrator to implement the program, contract with qualified legal service providers, establish eligibility criteria, prioritize detained individuals, and annually report on program implementation and outcomes. Specifically, **this bill:**

- 1) Requires the state, subject to the availability of state funding, to provide legal counsel to every covered individual that is not otherwise being provided counsel.
- 2) Requires CDSS to establish an office of the administrator and requires the administrator, or the administrator's designee, to implement these provisions no later than January 1, 2027.
- 3) Requires the administrator, or the administrator's designee, to do all of the following:
 - a) Promulgate regulations and adopt rules, policies, and procedures that are necessary or appropriate to implement these provisions;
 - b) Allocate funding according to these provisions. In determining the amount and allocation of awarded contracts, whether federal funding has been made available and dispersed to organizations or relevant projects in the state shall be considered; and,
 - c) Prioritize awards of contracts or grants to qualified nonprofit organizations that have unmet needs despite federal assistance.
- 4) Authorizes the administrator, or the administrator's designee, to do all of the following:
 - a) Develop and implement a phase-in plan, in accordance with the following:
 - i) The phase-in plan shall be developed in collaboration with expert legal services providers from across different regions throughout the state and constituent-based immigrant rights advocacy organizations with expertise in policy advocacy and implementation and regional coalition capacity building with at least five years of experience, to ensure that all covered individuals are advised of their right to counsel and are offered legal services;
 - ii) The phase-in plan shall ensure that access to counsel is prioritized for individuals in the custody of the United States (U.S.) Department of Homeland Security (DHS), the U.S. Department of Health and Human Services (DHHS), or any federal agency deputized to enforce federal immigration laws, unless those individuals have access to counsel from another source; and,

- iii) The phase-in plan shall detail efforts to ensure there is sufficient immigration counsel available to provide counsel for all covered individuals and shall include the standards, criteria, and priorities for providing access to counsel if there is not sufficient available immigration counsel.
 - b) Ensure independent and high-quality representation of covered individuals by providing training, technical assistance, and mentorship opportunities;
 - c) Establish a private attorney panel and the criteria, in addition to the criteria described in c) of 6) below, for private firms and private attorneys to participate, and provide training and oversight protocols to ensure high-quality representation is provided without cost;
 - d) Establish criteria and procedures used to determine whether a person is eligible to receive legal services, including, but not limited to, requirements related to income and residency, consistent with f) below;
 - e) Collect data relating to the number of people evaluated for eligibility and subsequently denied services, the reasons for the denials, the results of any review of the denials, the number of people for whom representation was terminated, and the reasons for the terminations;
 - f) Target grants and establish strategic programs in support of innovative and cost-effective solutions that enhance the provision of, and capacity for providing, legal services, including, but not limited to, workforce and capacity-building grants to train new attorneys, Department of Justice (DOJ)-accredited representatives, social workers, law fellows, and legal services staff to work in the area of immigration law; and,
 - g) Target grants to community-based organizations to conduct outreach and provide education and other support, in appropriate languages, to covered individuals and their families, and communities impacted by immigration detention.
- 5) Requires counsel to be conferred as follows:
- a) The right to counsel shall begin at the earliest of any of the following events occurring:
 - i) The covered individual being taken into immigration custody or into the custody of U.S. DHHS;
 - ii) The covered individual's receipt of a notice to appear in an immigration proceeding in which they are the subject;
 - iii) The issuance of an immigration detainer, or other document, requesting a county jail or state prison facilitate the transfer of the covered individual from local or state custody to immigration authorities; or,
 - iv) Upon the initiation of immigration proceedings against the covered individual.
 - b) In the case of an unaccompanied minor, if it is determined by legal counsel that it is in the best interest of the minor for representation to begin upon the minor reunifying or being placed with relatives, representation shall begin at that time.

- c) The right to counsel applies in any proceeding in which a covered individual is seeking an avenue of relief from removal or is challenging their arrest or detention under federal immigration laws, including, but not limited to, in federal immigration proceedings or any related appearances or matters, and any appeals arising from those proceedings, before the U.S. DHS, federal court, or the DOJ, and in any state court proceedings or submitting an affirmative filing for purposes of obtaining any order necessary for or relevant to immigration remedies; and,
 - d) The right to counsel applies throughout the pendency of any of the proceedings identified in a) and b) above, unless it is discovered that there was an error in the initial determination that the person meets the definition of a covered individual, in which case representation shall conclude as soon as the person has obtained alternate counsel, or it is reasonably feasible that they could have.
- 6) Requires the administrator, or the administrator's designee, to contract to provide legal counsel for covered individuals with any of the following:
- a) A qualified nonprofit legal services organization; or,
 - b) An office of the public defender for the county, if the public defender meets all of the following requirements:
 - i) The office has an immigration attorney with at least three years of experience representing individuals in removal proceedings and has represented at least 20 individuals in these matters;
 - ii) The office has an immigration attorney who has conducted trainings on these issues for practitioners beyond their staff; and,
 - iii) Any additional requirements imposed by the administrator, or the administrator's designee, for an office of public defender for the county to be eligible for a contract.
 - c) Private firms or private attorneys who meet the criteria for participation in a private attorney panel established by the administrator, or the administrator's designee. Requires an attorney, in order to participate in the private attorney panel, to at a minimum, satisfy all of the following:
 - i) Have at least three years of removal defense experience before the executive office of immigration review;
 - ii) Have completed at least five merits individual calendar hearings and five bond hearings before the immigration court in the last three years;
 - iii) Be in good standing with a state bar of the U.S. and with the Board of Immigration Appeals (BIA); and,
 - iv) Can show proof of malpractice insurance covering at least \$200,000 per claim;
- 7) Requires the administrator, or the administrator's designee, to require contractors to maintain adequate legal malpractice insurance as necessary and to indemnify and hold the state harmless from any claims that arise from the legal services provided.

- 8) Defines a “covered individual,” for the purposes of these provisions to mean an individual who is not represented by counsel and who meets both of the following:
 - a) Satisfies the indigency criteria established by the administrator; and,
 - b) Satisfies any of the following:
 - i) Is a resident of California;
 - ii) Is detained in California;
 - iii) Is subject to immigration or deportation proceedings in an immigration court located in California; or,
 - iv) Their immigration proceeding has a significant nexus to California, regardless of whether the person is presently in immigration detention outside of California.
- 9) Requires the administrator to annually submit a report to the Legislature and Governor regarding implementation of these provisions, and requires the report to address, at a minimum, all of the following:
 - a) The criteria and procedures used to determine whether an individual is eligible for legal services;
 - b) The number of individuals determined to be eligible to be provided legal counsel who did not receive representation because of a lack of sufficient funding or a lack of available attorneys;
 - c) The number of covered individuals provided legal counsel and the outcome of the representation;
 - d) A qualitative review of the legal services provided by legal counsel;
 - e) The number of participating legal services providers awarded contracts or grants, and the number of legal counsel funded through the contract or grant;
 - f) The regions served and identification of regions that are particularly underserved; and,
 - g) An analysis of the immigration enforcement, immigration court, and immigration detention landscape in California, and recommendations for changes in funding to ensure compliance with these provisions.

EXISTING LAW:

- 1) Requires CDSS, subject to the availability of funding from the annual Budget Act, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied undocumented minors who are transferred to the care and custody of the federal Office of Refugee Resettlement (ORR) and who are present in this state, for the sole purpose of providing legal representation to unaccompanied undocumented minors who are in the physical custody of the federal ORR or who are residing with a family member or other sponsor. (Welfare and Institutions Code [WIC] § 13300(a–b))

- 2) Defines “legal services” to include culturally and linguistically appropriate services provided by attorneys, paralegals, interpreters and other support staff for state court proceedings, federal immigration proceedings, and any appeals arising from those proceedings. (WIC § 13300(d))
- 3) Requires the state, subject to the availability of state funding, to provide legal counsel to every immigrant youth in the State of California. (WIC § 13300.5(a)(1))
- 4) Requires counsel to be conferred as follows:
 - a) Access to counsel shall begin at the time an immigrant youth is designated as unaccompanied by a federal or state agency or identified as such by an immigration attorney;
 - b) Access to counsel may apply in state court proceedings or submitting an affirmative filing for purposes of obtaining any order necessary for, or relevant to, immigration remedies, federal immigration proceedings, any related appearances or matters, and any appeals arising from those proceedings, before the U.S. DHS, federal court, or the DOJ;
 - c) Access to counsel does not need to be provided if the immigrant youth has independent counsel; and,
 - d) Access to counsel applies to a child who has been designated an immigrant youth at any time throughout the pendency of any of the proceedings identified in paragraphs a) and b). If an immigrant youth has been assigned counsel before the immigrant youth reaches 18 years of age, the immigrant youth remains eligible for ongoing access to counsel during the pendency of the proceedings. (WIC 13300.5(b))
- 5) Requires that awarded contracts be executed only with nonprofit legal services organizations that meet all of the following requirements:
 - a) Have at least three years of experience handling asylum, T-Visa, U-Visa, or special immigrant juvenile status (SIJS) cases and have represented at least 25 individuals in these matters;
 - b) Have experience in representing individuals in removal proceedings and asylum applications;
 - c) Have conducted trainings on these issues for practitioners beyond their staff;
 - d) Have experience guiding and supervising the work of attorneys who themselves do not regularly participate in this area of the law but nevertheless work pro bono on the types of cases described in a) above; and,
 - e) Are accredited by the BIA under the U.S. DOJ’s Executive Office for Immigration Review or meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California. (WIC § 13301(a))

Federal law: *Note: For the purposes of referring to federal law accurately, this section uses the term “alien” which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.*

- 6) Establishes the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, restricting eligibility of aliens for many federal benefit programs, including the Temporary Assistance for Needy Families, Social Security Income, Medicaid, and SNAP, except for “qualified aliens.” (Title IV of Public Law 104-193; 8 United States Code [U.S.C.] §§ 1601-1646)
- 7) Defines “unaccompanied alien child” as a child who has no lawful immigration status in the U.S., has not attained 18 years of age, and with respect to whom there is no parent or legal guardian in the U.S. or no parent or legal guardian in the U.S. is available to provide care and physical custody. (6 U.S.C. § 279(g))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *California’s Immigrant Population.* California is home to the largest immigrant population in the U.S., with nearly 11 million immigrants residing in the state, representing about 28% of the state’s total population. According to the Public Policy Institute of California, the vast majority of immigrants in California are lawfully present residents, and in 2023, about 80% of documented immigrants were either naturalized citizens or had other legal statuses, such as lawful permanent residents or visa holders, down from 83% in 2022.¹ Almost half (44%) of California children have at least one immigrant parent.

One California Program. The One California Program includes both the Youth Legal Services (YLS; formerly the Unaccompanied Undocumented Minors [UUM] program) and Immigrant Services Funding Program (ISF). Administered by CDSS, the YLS program provides grants to nonprofits to represent eligible UUMs and other immigrant youth in immigration matters, including applications for asylum, T-visas, U-visas, and SIJS, as well as related administrative and judicial proceedings.

To receive YLS funding, nonprofit organizations must meet specific requirements, including demonstrating at least three years of experience handling asylum, T-visa, U-visa, or SIJS cases and representing at least 25 individuals in those proceedings; experience representing individuals in removal proceeding and asylum applications; experience conducting training for practitioners beyond their own staff; experience supervising attorneys providing pro bono immigration legal services; and, accreditation by the BIA or eligibility for funding through the State Bar’s Trust Fund Program.

On July 1, 2025, CDSS announced \$6.7 million in YLS funding for FY 2025-26 awarded to 23 nonprofit organizations to provide immigration legal representation to immigrant youth statewide until June 30, 2026, increasing service capacity from 600 to 964 cases and allocating services across defined regional areas based on need and provider capacity.

¹ <https://www.ppic.org/publication/immigrants-in-california/>

Nonprofits seeking funding under the ISF must also meet specified requirements, including at least three years of experience handling the immigration issues for which funding is requested, experience conducting immigration trainings for individuals beyond their staff, accreditation through the U.S. DOJ Office of Legal Access Programs or eligibility for State Bar Trust Fund Program funding, and for organizations providing legal training and technical assistance, at least 10 years of experience providing immigration legal services and technical assistance.

Since 2019, ISF has received ongoing General Fund (GF) support of approximately \$45 million annually. In FY 2025-26, CDSS awarded approximately \$37 million in ISF to 83 nonprofit organizations. The Governor's 2026-27 Budget proposes \$43.66 million GF to continue funding ISF.

U.S. Immigration and Customs Enforcement (ICE) Detention and Right to Counsel. Immigration detention is a civil detention system operated by the federal government through U.S. ICE for individuals who are in removal (i.e. deportation) proceedings or awaiting immigration court proceedings. Unlike the criminal justice system, immigration detention is civil in nature, meaning individuals are detained for immigration enforcement purposes rather than as punishment for a criminal conviction. While the federal government provides lawyers for people who cannot afford one in criminal court, it does not provide government-appointed counsel in immigration court, including children.

Remaining in immigration detention can create significant barriers to pursuing immigration relief, as individuals often have limited access to legal representation, documents, and communication with family members and attorneys. National data from the Vera Institute's Immigration Court Legal Representation Dashboard show that, as of February 2026, 3.3 million deportation cases are pending in immigration court, with 55% of detained immigrants lacking legal representation.² A study by the American Immigration Council also found that individuals without counsel are ordered removed at a rate of 61.8%, compared to 26.9% for those with representation.³ For children, more than 860,000 over the past 12 months were facing deportation proceedings, and over 63% of these children did not have an attorney.

The Vera Institute's Immigration Court Legal Representation Dashboard also shows that California has the third largest immigration court caseload in the country, with 354,165 people facing deportation proceedings, compared to 520,462 cases in Florida and 369,401 cases in Texas. While California has one of the highest caseloads, it also has one of the lowest rates of unrepresented individuals, with 27% of immigrants lacking legal representation. However, the lack of representation is more pronounced among detained immigrants in California, where about 32% of the 4,813 detained individuals do not have legal counsel. Individuals facing deportation proceedings may wait years for a case decision and among cases closed in the past three years, individuals waited on average more than two years to receive even an initial decision.⁴

² <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard>

³ https://civilrighttocounsel.org/major_developments/immigration-study-finds-representation-more-than-halves-immigrant-removal-rate/

⁴ <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard>

Right to Counsel for Immigrant Youth. Last year, AB 1261 (Bonta), Chapter 655, Statutes of 2025, required the state, subject to available funding, to provide legal counsel to every UMM residing in, or with a nexus to, California who otherwise lacks a parent or legal guardian able to assist them in immigration proceedings. AB 1261 further specified that access to counsel begins when a youth is designated as unaccompanied by a federal or state agency or identified as such by an immigration attorney, and continues throughout the pendency of immigration proceedings, including related state court matters and appeals. Youth who are assigned counsel prior to turning 18 years of age remain eligible for continued representation until their proceedings conclude.

AB 1261 further required CDSS to allocate funding and prioritize contracts or grants to qualified nonprofit legal services organizations that are either ineligible for federal funding or have unmet needs despite receiving federal assistance and public defender offices to provide representation. AB 1261 was limited to UUM, a population considered among the most vulnerable individuals facing immigration removal proceedings.

This bill builds on AB 1261 by establishing, subject to available state funding, a statewide right to counsel for indigent “covered individuals” facing immigration proceedings and requiring the state to provide legal representation beginning at specified points in custody or proceedings. *This bill* further directs an administrator to implement the program by January 1, 2027, including setting eligibility criteria, allocating funding, prioritizing individuals in federal immigration custody, and prioritizing contracts to qualified nonprofit providers with unmet needs, among other things.

Author’s Statement: According to the Author, “Due process is a fundamental part of the U.S. Constitution and a foundational value in the United States. However, individuals facing deportation proceedings in court are not guaranteed a lawyer if they cannot afford one, despite the high stakes of indefinite detention, deportation, and permanent family separation. The right to legal counsel in deportation proceedings is essential to upholding Californians’ constitutional rights. [This bill] would help guarantee due process by providing legal counsel for Californians facing deportation, prioritizing people in immigration detention.

“Beyond due process protection, our state’s economy, now more than ever, depends on the economic contributions of our immigrant communities. A national 2024 report by the Institution of Taxation and Economic Policy highlighted that for every 1 million undocumented immigrants who reside in the country, public services received \$8.9 billion in additional tax revenue. With [This bill], we will help keep families together, keep our communities and economies stable, and protect the safety and rights of all Californians.”

Equity Implications: Immigrants in removal proceedings, particularly low-income individuals, people of color, and those in detention, are far less likely to have legal representation, which is strongly associated with poorer case outcomes, including higher rates of deportation. By establishing a statewide right to counsel for indigent individuals, *this bill* may reduce disparities in access to due process and expand access to legal representation, particularly for populations that are disproportionately impacted by immigration enforcement and historically face barriers to accessing counsel.

Double referral: This bill was previously heard in the Assembly Committee on Judiciary on April 7, 2026, and was approved on a 9-3 vote.

Arguments in Support: According to the co-sponsors of this bill, California Immigrant Policy Center, Central American Resource Center, Immigrant Defenders Law Center, Immigrant Legal Defense, Immigrant Legal Resource Center, Immigration Rights and Education Network, and Vera Institute of Justice, and 66 community-based organizations, legal services providers and civil rights organizations, “The right to legal counsel in deportation proceedings is essential to upholding Californians’ constitutional rights. Due process is a fundamental tenet of the U.S. Constitution and a core American value. However, thousands of Californians are detained by ICE every year in for-profit detention facilities under dangerous conditions. Many do not have access to a lawyer to defend their basic rights, despite facing severe consequences such as prolonged detention, deportation, and permanent family separation. Currently, 32% of Californians detained by ICE and facing deportation do not have legal counsel to protect their rights or help them navigate complex legal proceedings. Across the country, hundreds of judges have ruled more than 4,400 times that the Trump administration is detaining immigrants unlawfully, endangering and eroding constitutional rights for all. As the Federal Administration escalates mass raids and deportations, access to legal representation is one of the most important safeguards against unlawful detention, permanent family separation, and constitutional violations.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 2500 (C. Rodriguez) of the current legislative year, expands the One California program to allow grant funds to be used to provide immigration bond assistance. *AB 2500 is pending to be heard by the Assembly Committee on Human Services on April 14, 2026.*

AB 1261 (Bonta), Chapter 665, Statutes of 2025, see comments above.

AB 1096 (L. Rivas), Chapter 296, Statutes of 2021, struck the offensive and dehumanizing term "alien" used to describe a person who is not a citizen or national of the U.S. where it appears in multiple California code sections, and replaced it with other terms that do not include the word "alien," and made other nonsubstantive changes.

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center (Co-Sponsor)
Central American Resource Center of California (Co-Sponsor)
Immigrant Defenders Law Center (Co-Sponsor)
Immigrant Legal Defense (Co-Sponsor)
Immigrant Legal Resource Center (Co-Sponsor)
Services, Immigrant Rights and Education Network (SIREN) (Co-Sponsor)
Vera Institute of Justice (Co-Sponsor)
805 UndocuFund
Acacia Center for Justice
ACCE Action
All of US or None Orange County
Alliance for Boys and Men of Color
Alliance San Diego

Business for Good San Diego
California Coalition for Women Prisoners
California Domestic Workers Coalition
California Healthy Nail Salon Collaborative
California Immigration Project
California Rural Legal Assistance Foundation (CRLA Foundation)
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Center for Empowering Refugees and Immigrants
Center for Gender and Refugee Studies-California
Center on Juvenile and Criminal Justice
Centro LA Familia Advocacy Services
Change Begins With Me (INDIVISIBLE)
Children's Law Center of California
Coalition for Humane Immigrant Rights (CHIRLA)
Communities United for Restorative Youth Justice (CURYJ)
Community Action Marin
Council on American-Islamic Relations, California
Courage California
Disability Rights California
Diversity in Health
East Bay Community Law Center
East Bay Sanctuary Covenant
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
End Child Poverty CA
End Poverty in California (EPIC)
Equality California
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)
Friends Committee on Legislation of California
Future Leaders of America
Glide Foundation
Greenfield Walking Group
Healthy Contra Costa
Immigration Center for Women and Children
Indivisible CA Statestrong
Indivisible Mid-Peninsula
Kids in Need of Defense (KIND)
La Defensa
La Raza Community Resource Center
Legal Services for Prisoners With Children
Los Angeles County
Lutheran Office of Public Policy - California
Madera Coalition for Community Justice
Majdal Arab Community Center of San Diego
NextGen California
Oasis Legal Services
Orange County Rapid Response Network
Pomona Economic Opportunity Center

Public Advocates
Public Counsel
Restoring Hope California
San Bernardino Community Service Center, INC.
San Diego Immigrant Rights Consortium
Santa Barbara County Immigrant Legal Defense Center
Santa Cruz Welcoming Network
Social Justice Collaborative
South Asian Network
Southeast Asia Resource Action Center (SEARAC)
Street Level Health Project
Thai Community Development Center
The Children's Partnership
University of California Student Association
Vietnamese American Roundtable
Wellstone Democratic Renewal Club
World Relief Sacramento
Youth Forward
Four private citizens

Opposition

One private citizen

Analysis Prepared by: Bri-Ann Hernández-Mengual / HUM. S. / (916) 319-2089