

Most families facing deportation from US do not have an immigration lawyer

- 70% of family cases – mostly Central Americans – have no legal representation
- Families without lawyers much more likely to be deported – and quickly

[photo]

A father holds his sleeping son after they and other undocumented immigrants were detained by border patrol agents in December 2015 near Rio Grande City, Texas. Photograph: John Moore/Getty Images

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An overwhelming majority of migrant families received no legal representation during US immigration court proceedings, meaning they were more likely to be deported, and to be subject to faster proceedings, [a new data analysis has revealed](#).

Researchers at Syracuse University's Transactional Records Access Clearinghouse (Trac) found that since a 2014 surge in border crossings by migrant families, 38,601 immigration cases involving migrant families have been closed throughout the federal immigration court system. Seventy percent of these families had no legal representation to defend them from deportation.

The analysis revealed that 43.4% of these unrepresented families were deported at their initial court hearing, compared with just 4% of families who secured representation.

Central American migrants desperate to reach US risk new dangers at sea

As US-driven immigration crackdown forces many to find alternative routes through Mexico, activists along the coast fear trafficking and drownings will rise

Overall, unrepresented families spent an average of just 60 days in the court system, whereas those with legal representatives spent 286 days before the courts.

Human rights observers said the findings were indicative of the "massive dysfunction and massive denial of due process" present in [US immigration](#) courts and warned that many families being deported could have failed to lodge legitimate applications for asylum or relief from deportation.

“These are hugely complex claims, in cases that often involve reams of evidence and of legal argument that can only really be done by a lawyer who is expert in that area,” said Clara Long, an immigration researcher at Human Rights Watch’s US program. “So the idea that someone representing themselves in immigration court can get a fair shake is just fiction.”

The analysis reveals that just one in 15 unrepresented families were able to file papers claiming asylum or apply for other forms of relief from deportation, compared with 70% of families who were able to obtain legal representation.

The statistics come just days after the [Obama administration announced](#) that the number of families and unaccompanied minors crossing the southern border into the US was slightly higher in 2016 than it was during the surge of 2014. A total of 137,366 migrant families and children were apprehended by US border patrol this year, compared with 136,986 in 2014. The total number of apprehensions, however, was down from 479,371 in 2014 to 408,870 in 2016.

According to [data published by Trac](#), groups from Central America made up the bulk of family cases brought to court in 2016. The 16,491 family cases from El Salvador brought in 2016 were the largest of any national cohort – with the vast majority of these (15,623) still pending.

Statistics published by the Department of Homeland Security showed that 27,114 families from [El Salvador](#), 23,067 families from Guatemala, and 20,226 families from Honduras were apprehended at the border in 2016, with just 3,481 families apprehended from Mexico.

The homeland security secretary, Jeh Johnson, acknowledged on Monday that: “Far fewer Mexicans and single adults are attempting to cross the border without authorization, but more families and unaccompanied children are fleeing poverty and violence in Central America.”

Families and unaccompanied minors have been prioritised in immigration courts [following an executive order issued by Barack Obama in 2014](#) but a shortage of judges has led to [crippling backlogs throughout the system](#).

The Trac analysis also highlights large disparities in the access to counsel at different court locations. For example, about two-thirds of families before the judges in Baltimore, Memphis and Dallas had no representation, whereas less than 15% of families in New York, Orlando and San Francisco were unable to secure representation.

<https://www.theguardian.com/us-news/2016/oct/20/family-deportation-immigration-lawyer>