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Just 37% Have Lawyers In Deportation Cases: Report

By Kelly Knaub

Law360, New York (September 28, 2016, 3:50 PM EDT) -- A "shockingly low" number of immigrants have legal counsel in immigration court and the figure is even worse for detainees, according to the first national study of access to counsel in immigration courts released by the [American Immigration Council](#) on Wednesday. Immigrants without lawyers fare worse at every stage of the court process, the study found.

The report, which draws on data from more than 1.2 million deportation cases decided between 2007 and 2012, reveals that only 37 percent of all immigrants secured legal representation in such proceedings and that merely 14 percent of immigrants in detention acquired counsel, compared to 66 percent of nondetained immigrants.

"Overall representation rates are shockingly low, especially for detained immigrants," the report said.

The study also found that Mexican immigrants had the highest detention rate, at 78 percent, and were the least likely nationality to have counsel, at 21 percent. Chinese immigrants had the lowest detention rate, at 4 percent, and the highest representation rate, at 92 percent. Haitian and Indian immigrants came in after the Chinese, both with 71 percent representation rates, according to the report.

Immigrants with attorneys fare better at every stage of the court process, according to the report, which showed that represented immigrants who had a custody hearing were four times more likely to be released from detention. The data showed that 44 percent of immigrants with attorneys were released after custody hearings, compared to 11 percent of immigrants who did not have lawyers.

"Addressing the barriers to obtaining legal counsel is important because having an attorney was strongly associated with positive outcomes," AIC said in the report.

Immigrants with counsel were also much more likely to apply for relief from deportation, according to the report, which showed that detained immigrants with attorneys were almost 11 times more likely to seek relief, such as asylum, than immigrants without counsel, at 32 percent compared to 3 percent.

A whopping 78 percent of immigrants who were never detained were five times more likely to seek relief if they had counsel, compared to a mere 15 percent of never-detained immigrants who had no attorneys, the report revealed.

The report highlighted the fact that immigrants with attorneys are more likely to obtain the immigration relief they sought, noting that 49 percent of detained immigrants with counsel obtained relief, while only 23 percent of detained immigrants without counsel obtained it.

And 63 percent of immigrants with attorneys who were never detained obtained relief, while 13 percent of never-detained immigrants without representation obtained it, according to the report.

The study also looked at geography, revealing that obtaining counsel was particularly challenging for immigrants with cases in immigration courts located in small cities with populations of less than 50,000. Immigrants with court hearings in large cities had a representation rate of 47 percent, compared to an 11 percent representation rate of those with hearings in small cities, the report showed.

The court records analyzed for the report were obtained from the [Executive Office for Immigration Review](#) under the Freedom of Information Act, according to the AIC.

--Editing by Jill Coffey.



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