



## Legal Representation in Immigration Court

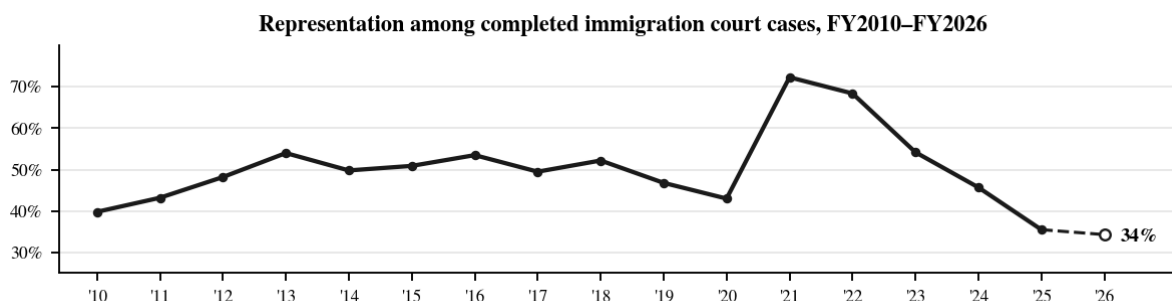
Dr. Austin Kocher · Relevant Research · July 2026

### Summary and Context of this Brief

The Fairness to Freedom Act aims to provide access to legal representation for non-citizens going through various processes in the broader U.S. immigration system. One of the largest and most important of these processes are removal proceedings (i.e., deportation proceedings) in the immigration courts, where immigration judges decide whether a person should be ordered deported or not. Access to legal representation has long proven to be a determining factor in the outcomes of these cases. This report uses the latest available data to demonstrate the scale and consequences of the lack of legal representation to aid members of Congress in their consideration of this bill.

### 5 Key Data Points about Legal Representation in Immigration Court Proceedings

- **Representation is at its lowest level since 2010.** Only about 34% of people in completed immigration court cases have a lawyer so far in fiscal year 2026, lower than in any year since 2010. Across the active pending backlog of 3.2 million cases, less than half (46%) have ever had an attorney of record on file.
- **Children are not spared.** On the juvenile docket, only 50% of cases completed this fiscal year had a lawyer, and 67% of the pending juvenile backlog is represented. Children are represented at higher rates than adults, whose completed-case rate has fallen to about 32%, but a large share of children still face immigration court alone.
- **Lack of representation leads to deportation.** Immigrants facing deportation in court without an attorney were ordered removed in 78% of all completed cases from fiscal year 2016 through 2025, compared to just 27% of people with an attorney. Of those ordered removed in absentia (i.e., not present at the hearing), the vast majority, 93%, were unrepresented, compared to just 7% represented.
- **Representation shapes asylum outcomes at every stage.** Among people who filed for asylum in cases completed since October 2024, just 19% of people without attorneys even had their cases decided on the merits, compared to just over half (53%) of people represented. Of those whose asylum claims were actually heard, 25% of the represented won asylum or another form of relief, compared to just 7% of the unrepresented.
- **Lack of counsel drags cases out.** People need time to find a lawyer. Just 12% have counsel at their first master calendar hearing, but 63% do by the time a case reaches five or more hearings. Guaranteeing counsel early would reduce the burden on the court without compromising fairness.



This analysis was conducted by Dr. Austin Kocher, President of Relevant Research, and is intended to aid members of Congress in their consideration of the bill, rather than to advocate for or compared to it. Dr. Kocher is a recognized immigration researcher whose work focuses on immigration enforcement data, and he regularly publishes detailed analyses at [austinkocher.substack.com](https://austinkocher.substack.com). Relevant Research is a research firm that provides research and technical support to academic institutions, non-profit organizations, and the broader public. This brief analysis is illustrative of the key overarching indicators where legal representation matters, but it is not exhaustive and findings will change over time with the impacts of new policies and practices, new data, and new migration trends. For further questions or clarifications, contact Dr. Kocher at [austin@relevant-research.com](mailto:austin@relevant-research.com).