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Trends in Legal Representation of People Facing Deportation in U.S. Immigration Court

March 26, 2026

Data Updated through December 2025

Data extracted from EOIR FOIA Library on March 6, 2026

acaciajustice.org

Overview

This fact sheet presents original analysis of historical data and recent trends in the legal representation of people in deportation proceedings in U.S. immigration courts.¹ We use a minimalist definition of representation here, which counts people as represented if they had representation in immigration court at some point during their case. The analyses also show representation counts and percentages for cases that have been completed along with those that are still pending. Where appropriate and feasible, we disaggregate the data by nationality, language, and state.

The data presented in this document is based on original Acacia analysis of data from the administrative Case database (Case) of the Executive Office for Immigration Review (EOIR). The purpose of this fact sheet is to present updated data on the representation status of people with removal cases before U.S. immigration court and to track a set of key metrics in historical context.

The fact sheet presents the data and explains the visualizations in ways that are clear and compelling, while guarding against misinterpretation and the drawing of erroneous or misleading inferences. Importantly, the statistics reported are descriptive in nature and readers should take care to avoid ascribing causality to the trends and patterns observed in the data.

Historical Trends in Representation

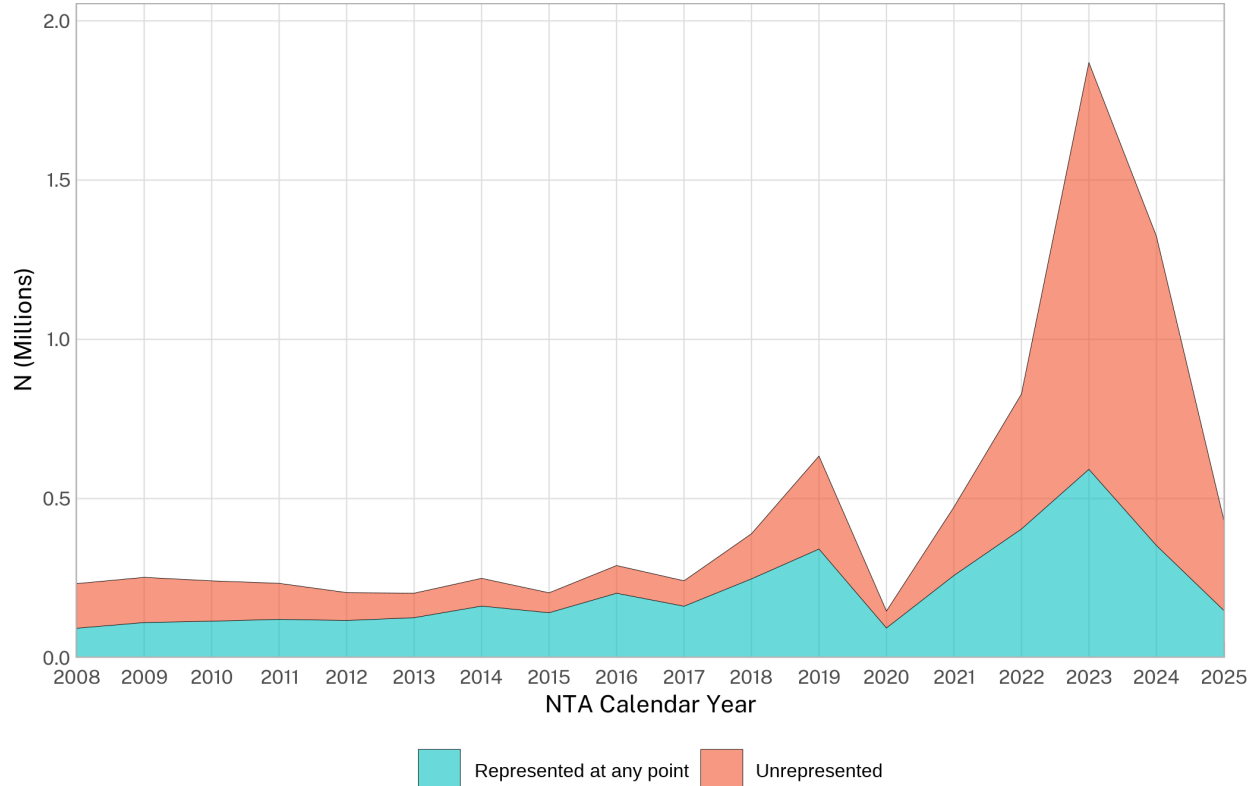
Figure 1 shows the trend in the count of deportation cases² with representation at any point (blue area), those that have never had representation (red-orange area), and all cases (the total area). These counts are plotted over time by the calendar year in which the Department of Homeland Security (DHS) filed the Notice to Appear (NTA) in Immigration Court; not, for example, based on the number of cases with (and without) representation during each year.

There was a gradual upward trend in representation for cases that began between 2008 (92,842) and 2017 (161,970). Subsequently, the number rose quickly to 341,502 for cases beginning in 2019 before falling back close to the 2008 level for cases with an NTA filed in 2020. Representation continued to grow among cases with an NTA filed after 2020, peaking at 591,828 for those filed in 2023. However, the even larger growth in the number of cases without representation over the same period means that the representation rate declined.

¹ The original analysis presented in this fact sheet is based on the administrative database of the U.S. immigration court system, run by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). This database is publicly available for download from the EOIR FOIA Library website, and we rely on the public data through December 2025 using the file extracted March 6, 2026, from <https://www.justice.gov/eoir/foia-library-0>.

² For all analyses in this document the focus is on deportation (i.e., removal) cases, though we will generally refer to these as "cases" throughout for the sake of brevity.

Figure 1. Case Representation Frequency
NTA Calendar Year 2008 - 2025

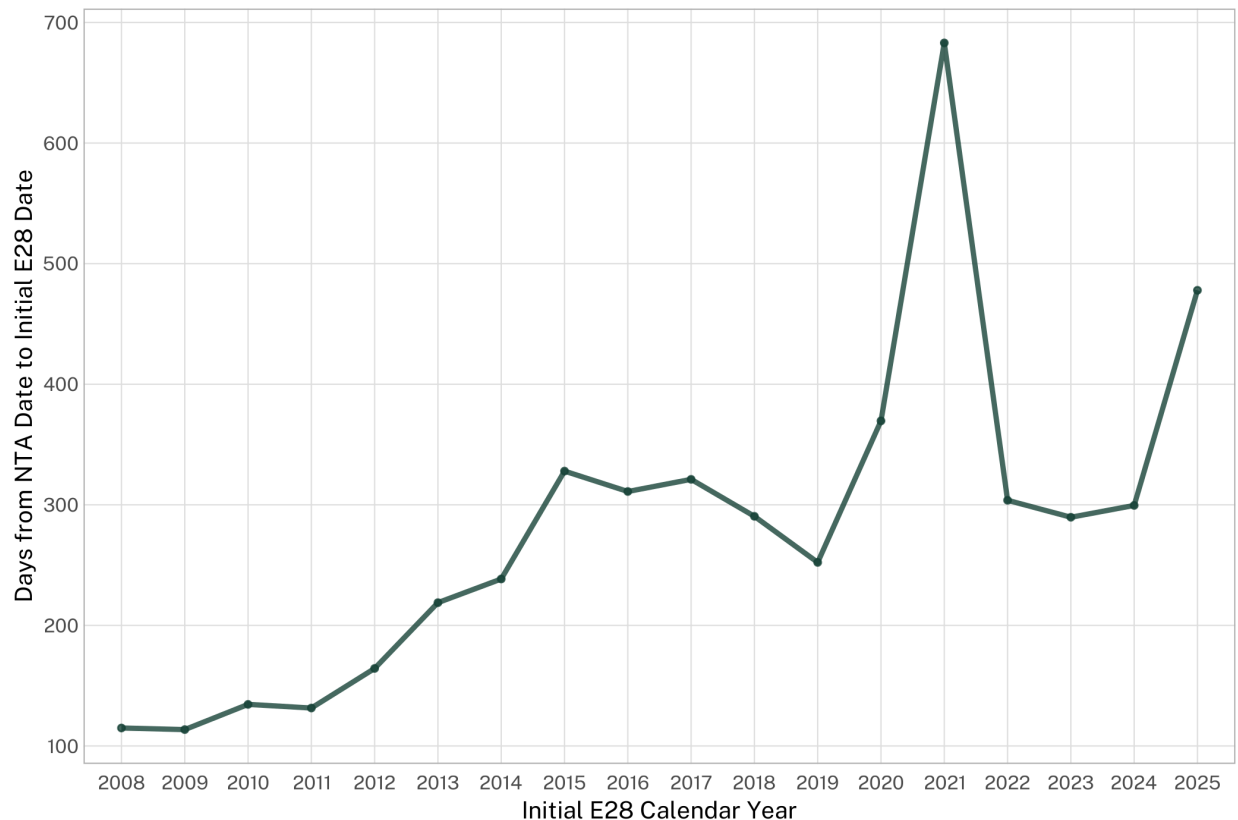


Unrepresented cases include both those that have not yet been represented (pending cases) and those that were never represented.

When interpreting these numbers, it is important to consider that, on aggregate, more cases within the same NTA-filing-year cohort procure representation each year. That means that a lower representation rate for cases with an NTA filed very recently should not be taken to mean that the likelihood of people getting representation in their cases at any point in their case is declining. In fact, among the people with the same NTA year, the number and percentage with representation can only grow (or remain unchanged) as time passes.³

³ Importantly, this is not the same as saying that the likelihood that an individual will gain representation in their case grows over time. Rather, it is a feature of the way this type of NTA-cohort analysis is structured that is necessary to understand to avoid misinterpretation.

Figure 2. Consistent Increase in Median Time to Representation
E-28 Calendar Year 2008 - 2025



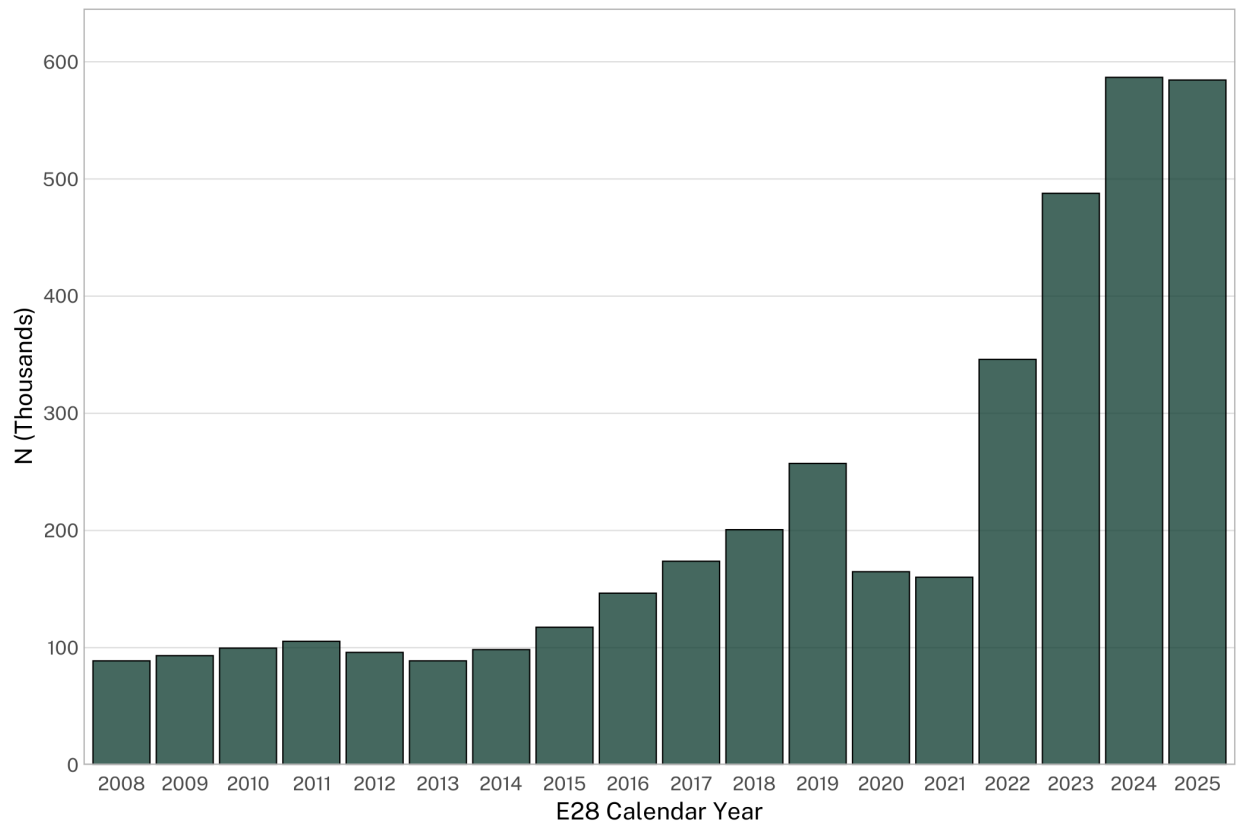
This pattern is demonstrated by the fact that the median time from an NTA date to an initial EOIR-28 (E-28, form that must be filed to authorize a practitioner to represent a respondent in immigration court)⁴ filing date in 2024 was roughly 300 days. Furthermore, as shown in Figure 2, the median time from the NTA filing date to representation has been on a clear upward trajectory during the bulk of the period of analysis. Specifically, the time to representation increased from 115 days in 2008 to 478 days in 2025.

The total number of people with NTAs filed in the same year is fixed, while the number among them who eventually gain representation cannot decrease and is expected to grow, though it is difficult to know by how much, especially for the most recent NTA-year-cohorts.

Another way to track historical trends in representation is to focus on the number of cases for which representation was initiated each year, as defined by the filing date of a new E-28 form in immigration court.

⁴ The E-28 is formally called a ["Notice of Entry of Appearance of an Attorney or Accredited Representative before Immigration Court."](#)

Figure 3. Case Representation Initiation
E-28 Calendar Year 2008 - 2025



As Figure 3 shows, this number has followed a strong upward trajectory since 2008, reflecting the increased capacity of legal providers over time as well as the increase in need over this period. The only significant exceptions to this upward trend are the pandemic years of 2020 and 2021. Specifically, after hovering around 100,000 from 2008 through 2014, the number grew sixfold to reach 586,700 by 2024 and 583,100 in 2025.

Demographic Variation in Representation

This section compares representation rates and counts for people facing deportation in immigration court by primary language and alleged nationality. The analysis focuses on the ten languages and ten nationalities with the largest number of cases with an NTA since 2017.

For cases beginning between 2017 and 2025, 35% of respondents whose primary language was Spanish received representation, 6 points lower than the average representation rate (see Figure 4). Spanish speakers comprised 78% of all cases during this period (approximately 6.3 million cases total). Only 25% of cases with respondents whose primary language was identified as Haitian Creole had representation at any point in their cases. Haitian Creole speakers accounted for 3% of total cases during this period.

Figure 4. Representation Rate by Language - Ten Largest Caseloads
NTA Calendar Year 2017 - 2025

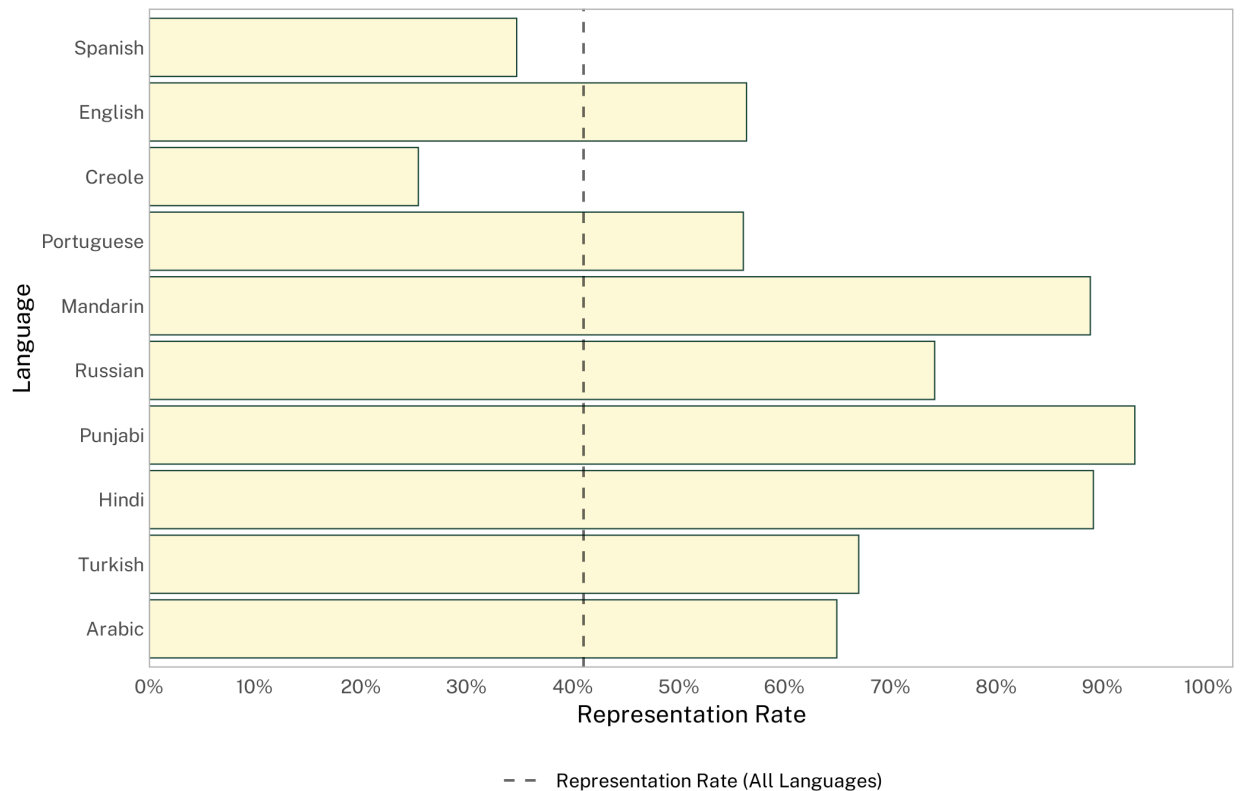


Figure 5 shows the representation rate for the ten nationalities with the most removal cases in immigration court from 2017 through 2025, as well as the representation rate across all nationalities (dotted line). As the figure shows, only two of the ten nationalities with the most cases had higher-than-average representation rates; that is, nationalities with the largest caseloads tended to be under-represented compared to respondents of other nationalities. Among the nationalities with the largest caseloads, only people from Guatemala and El Salvador — which accounted for 16% of cases in the period — had above average representation rates (see Figure 5).

Figure 5. Representation Rate by Nationality - Ten Largest Caseloads
NTA Calendar Year 2017 - 2025

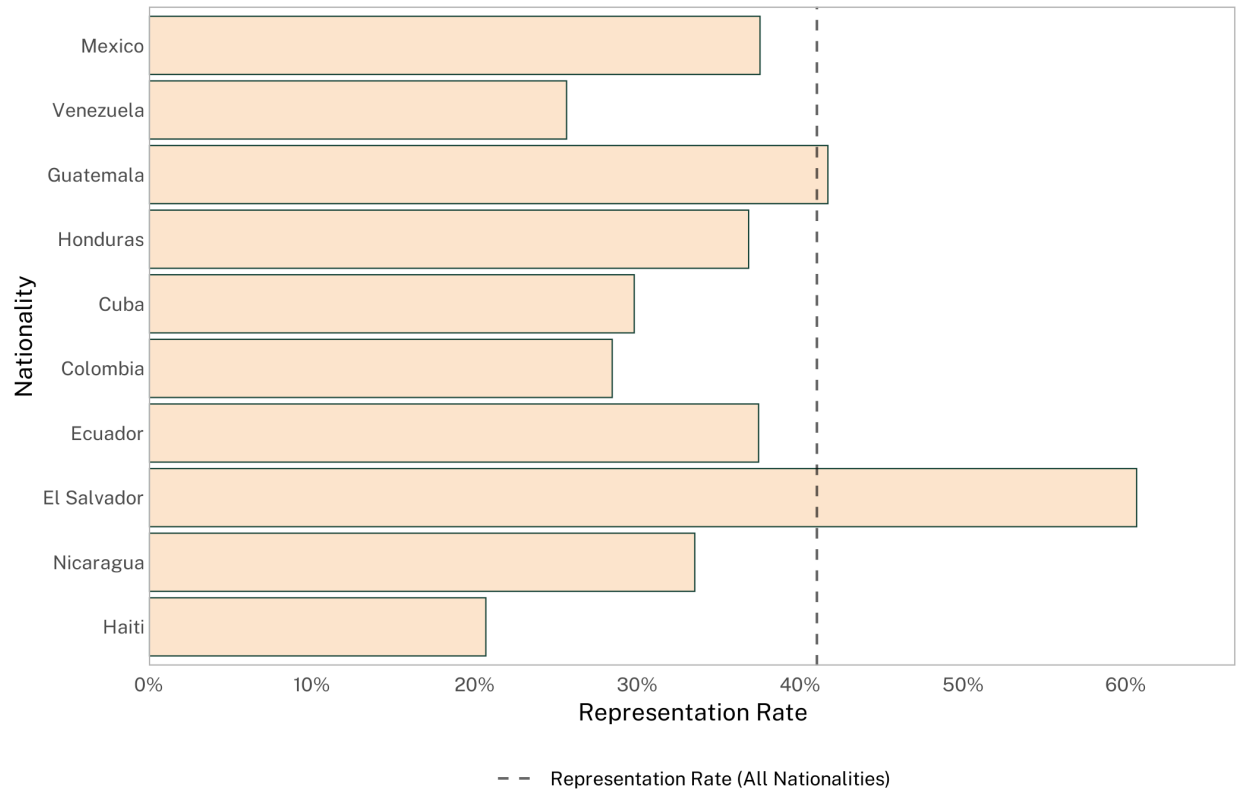
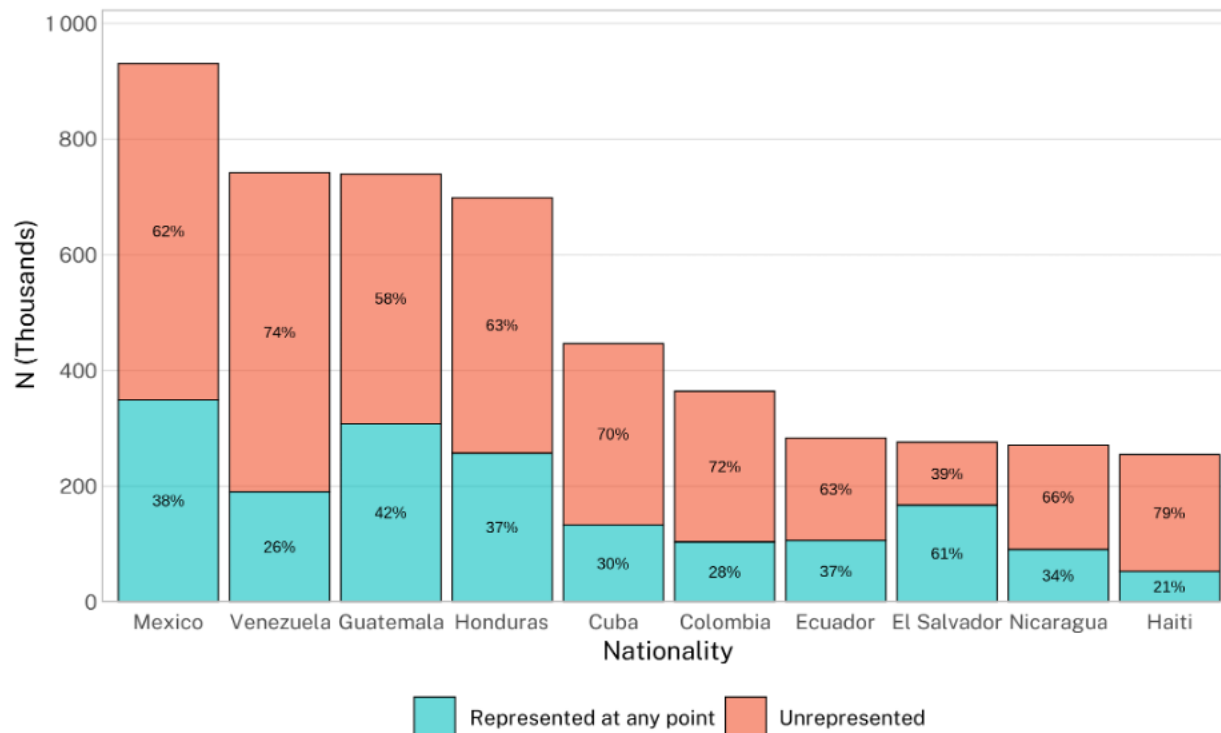


Figure 6 plots the total number of cases on the y-axis, while showing the same representation rates in text labels on the bars. Among the 16 countries with at least 50,000 cases with an NTA filed between 2017 and 2025, Haiti had the lowest representation rate (21%), while China had the highest representation rate (88%).

Figure 6. Total Number of Cases and Representation Rate by Nationality - Ten Largest Caseloads

NTA Calendar Year 2017 - 2025



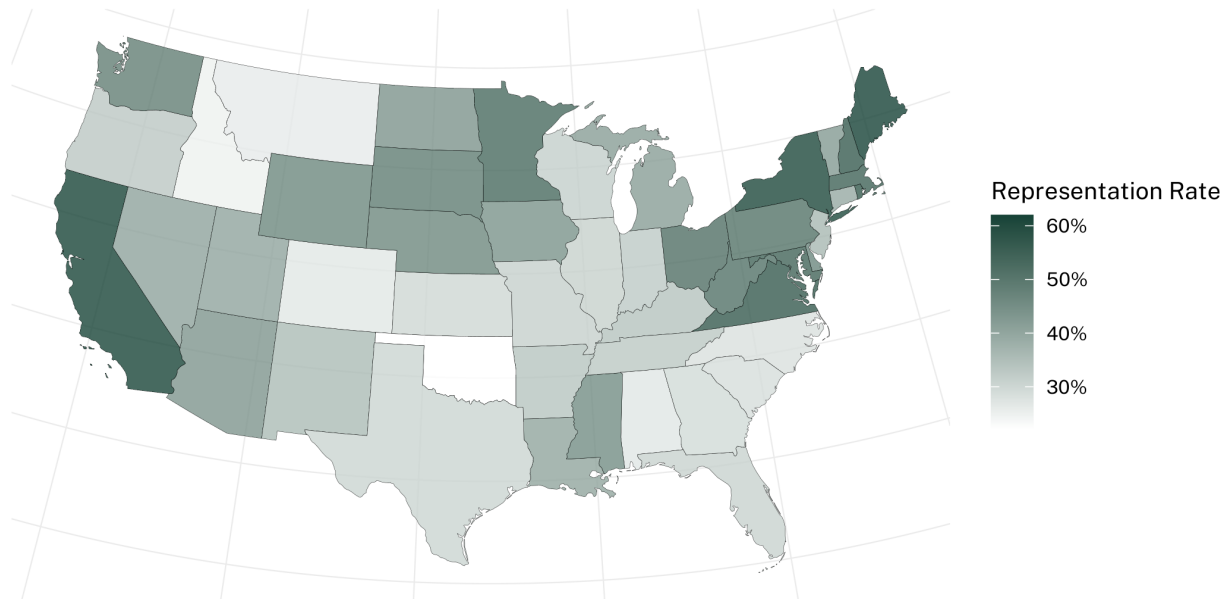
Unrepresented cases include both those that have not yet been represented (pending cases) and those that were never represented.

Geographic Variation in Representation

This section compares representation rates and counts for people facing deportation in immigration court by the U.S. state where they reside.

Of cases which began between 2017 and August 2025, people living in Maine, California, and New York had the highest representation rates of all states, at approximately 60 percent (see Figure 7; dark green). Those living in Oklahoma, Idaho, and Montana had the lowest representation rates, from 22% to 26% (pale green on the map). The states with the largest number of people facing deportation in immigration court included Florida, Texas, California, New York, and New Jersey (see Figure 8).

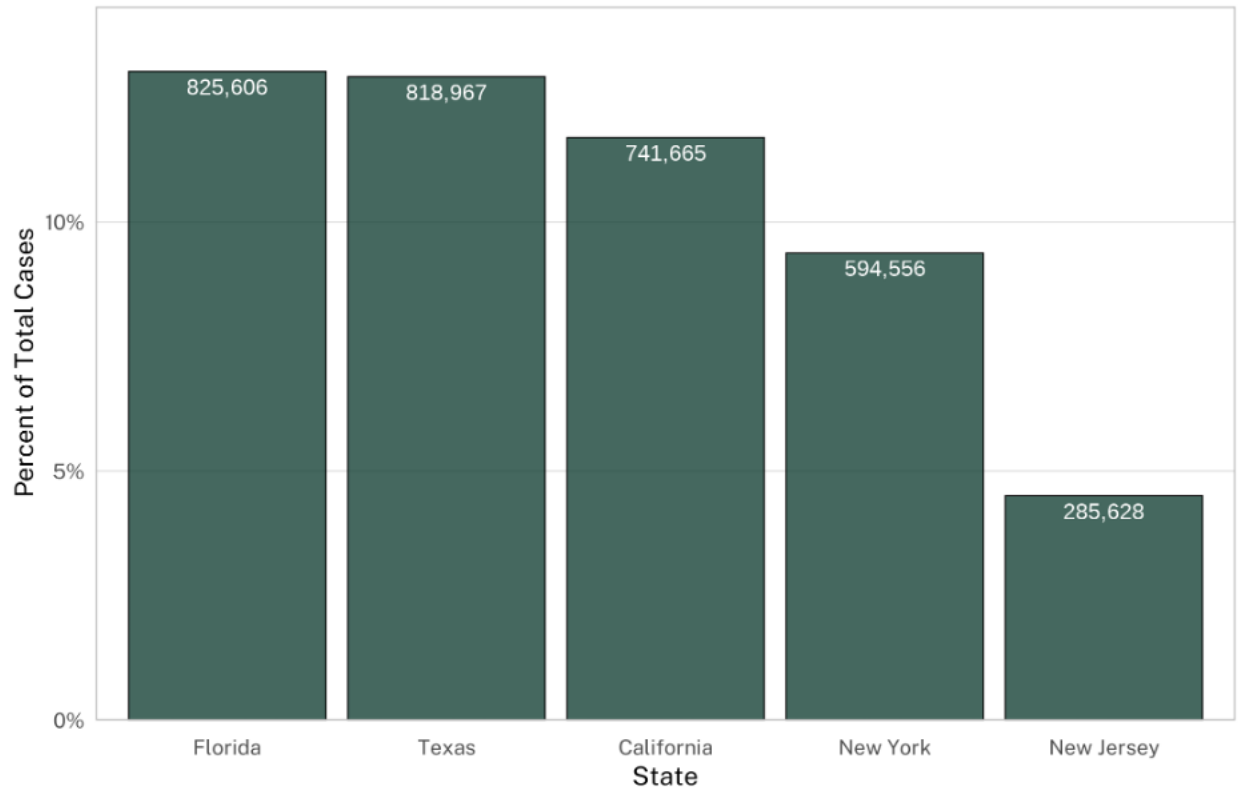
Figure 7. Representation Rate by U.S. State of Residence
NTA Calendar Year 2017 - 2025



Average Representation Rate (All States) = 41%
Median State Caseload = 22,269

Florida, Texas, California, New York, and New Jersey accounted for 52% of all removal cases that began between 2017 and August 2025 (see Figure 8).

Figure 8. Percent and Number of Total Cases by State
NTA Calendar Year 2017 - 2025 (Five Largest Caseloads)



Numbers in bars indicate total caseloads for each state from 2017 to 2025.