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

Data Updated through September 2026

November 12, 2026

Data extracted from EOIR FOIA Library on October 28, 2026

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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 cases[2] with representation at any point (red-orange area), those that have never had representation (aqua area), and all cases (the total area). These counts are plotted over time by the calendar year and quarter 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 quarter.

The number of unrepresented cases decreased between 2024 Q1 and 2026 Q3, from 314,207 to 98,057. The number of unrepresented cases fell from 314,207 cases in 2024 Q1

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[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 September 2026 using the file extracted October 28, 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.

to a low of 42,855 cases in 2025 Q2, then recovered to 98,057 cases by 2026 Q3. In 2024 Q1, unrepresented cases (314,207) outnumbered represented cases (139,375). This difference persisted in 2026 Q3, when unrepresented cases (98,057) still outnumbered represented cases (44,540). The largest increase in unrepresented cases occurred between 2025 Q2 and 2025 Q3. Meanwhile, the share of cases without representation decreased relative to the share with representation, indicating that the gap between the two groups narrowed over time.

Figure 1. Case Representation Frequency
NTA Year 2024 Q1 to 2026 Q3



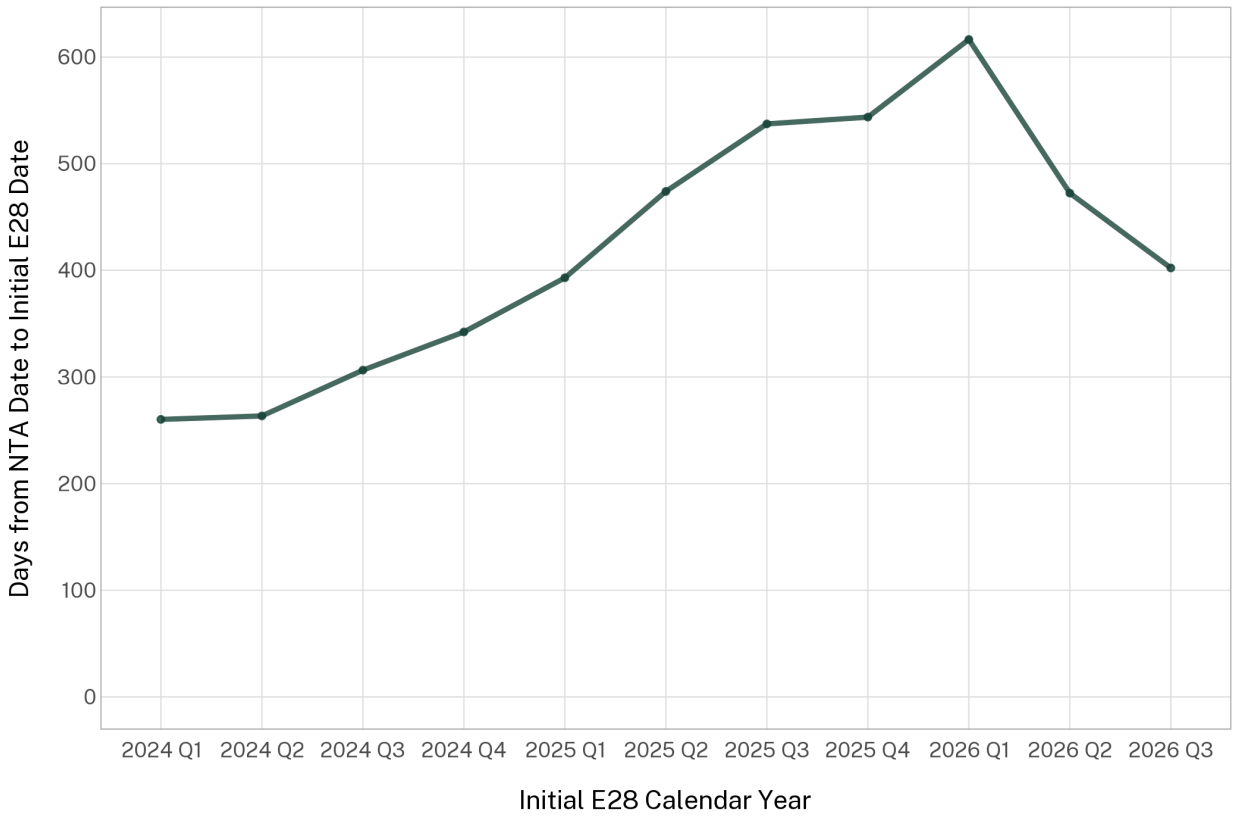
Unrepresented cases include both those that have not yet been represented (pending cases) and those that were never represented.

It is important to note that perhaps the most salient, overarching trend shown in Figure 1 is the large overall decline in the total number of cases with NTAs in 2024. However, there has been a gradual increase in the number of cases with NTAs filed in 2025 and the first half of 2026, without a corresponding increase in representation.

When interpreting these numbers, it is important to consider that, on aggregate, more cases within the same NTA-filing-quarter cohort procure representation each quarter. 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 at any point in their

case is declining. In fact, among people with the same NTA quarter, the number and percentage with representation can only grow (or remain unchanged) as time passes.[3]

Figure 2. Fluctuation in Median Time to Representation
E-28 Year 2024 Q1 to 2026 Q3



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 Q1 was a recent low of roughly 260 days. Furthermore, as shown in Figure 2, The median time from the NTA filing date to representation increased through 2026 Q1 before declining from 2026 Q1 to 2026 Q3. Specifically, the median time to representation increased from 260 days in 2024 Q1 to 402 days by 2026 Q3, a change of 142 days overall. The median time to representation increased from 260 days in 2024 Q1 to a peak of 617 days in 2026 Q1, then declined to 402 days by 2026 Q3. The largest increase occurred

[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.

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

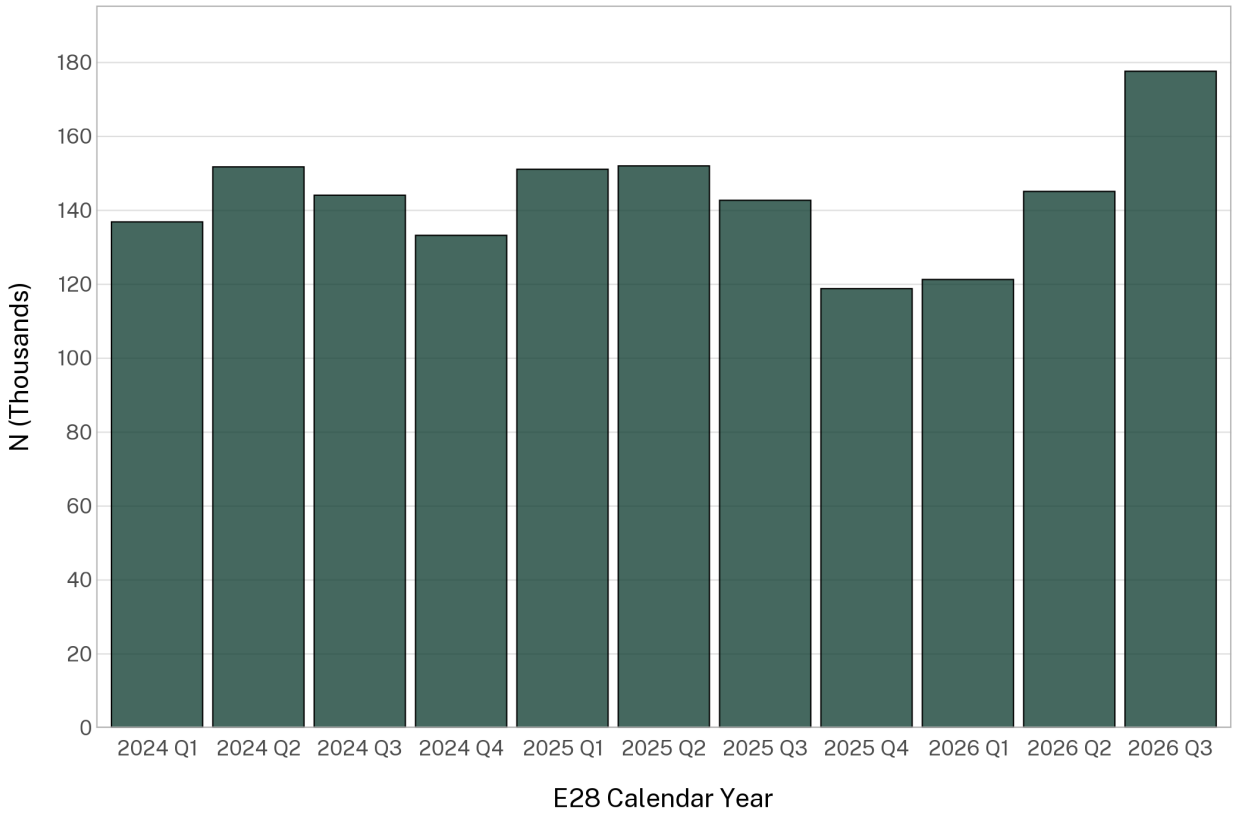
between 2025 Q1 and 2025 Q2 (81 days), while the largest decrease occurred between 2026 Q1 and 2026 Q2 (144 days).

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.

As Figure 3 shows, the number of representation initiations increased from 136,885 cases in 2024 Q1 to a peak of 177,642 cases in 2026 Q3, then declined to a low of 118,827 cases in 2025 Q4 before recovering to 177,642 cases by 2026 Q3.

Figure 3. Case Representation Initiation
E-28 Year 2024 Q1 to 2026 Q3



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 2024 Q1.

For cases beginning between 2024 Q1 and 2026 Q3, 28% of respondents whose primary language was Spanish received representation, 7 percentage points lower than the average representation rate (see Figure 4). Spanish speakers comprised 76% of all cases during this period (approximately 2.2 million cases total). Only 25% of cases with respondents whose primary language was identified as Creole had representation at any point in their cases. Creole speakers accounted for 4% of total cases during this period.

Figure 4. Representation Rate by Language - Ten Largest Caseloads, NTA Calendar Year 2024 Q1 to 2026 Q3

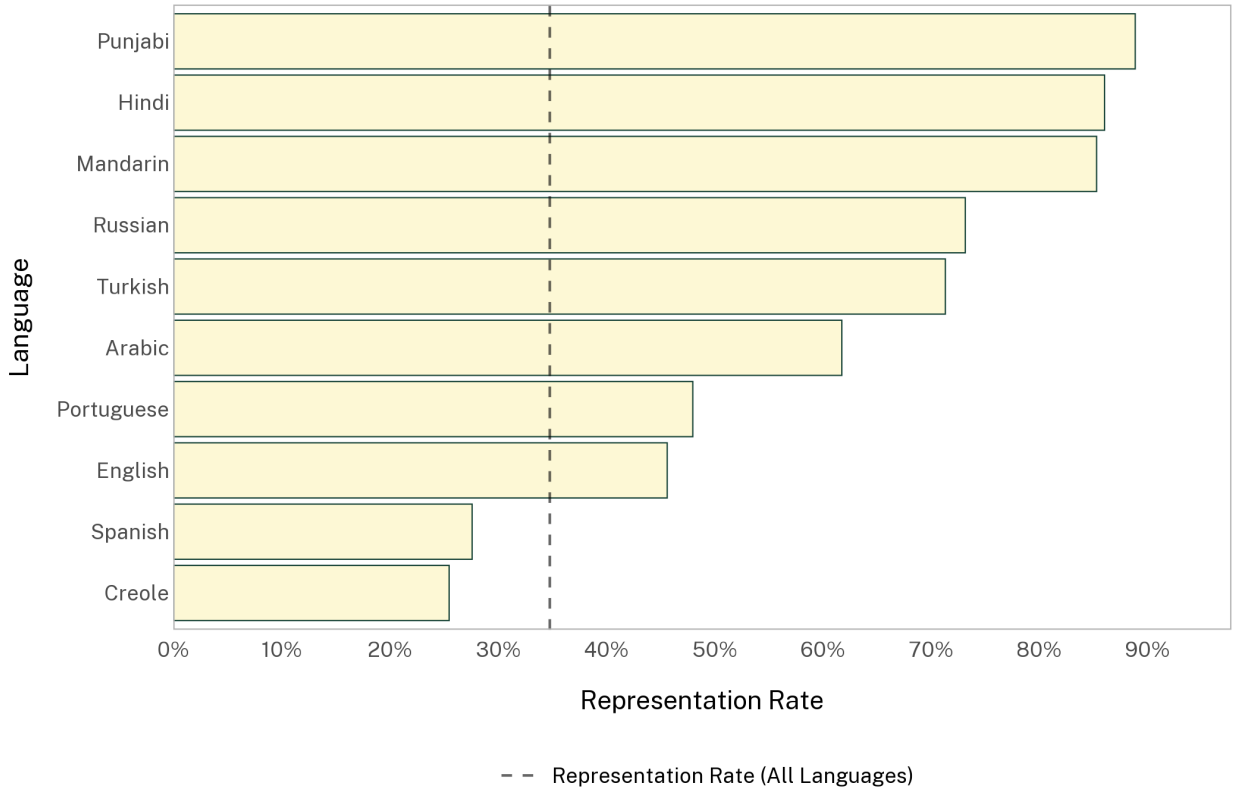


Figure 5 shows the representation rate for the ten nationalities with the most removal cases in immigration court from 2024 Q1 to 2026 Q3, as well as the representation rate across all nationalities (dotted line). As the figure shows, only one of the ten nationalities with the most cases had higher-than-average 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 El Salvador — 3% of cases in the period, respectively — had above-average representation rates (see Figure 5).

Figure 5. Representation Rate by Nationality - Ten Largest Caseloads
NTA Calendar Year 2024 Q1 to 2026 Q3

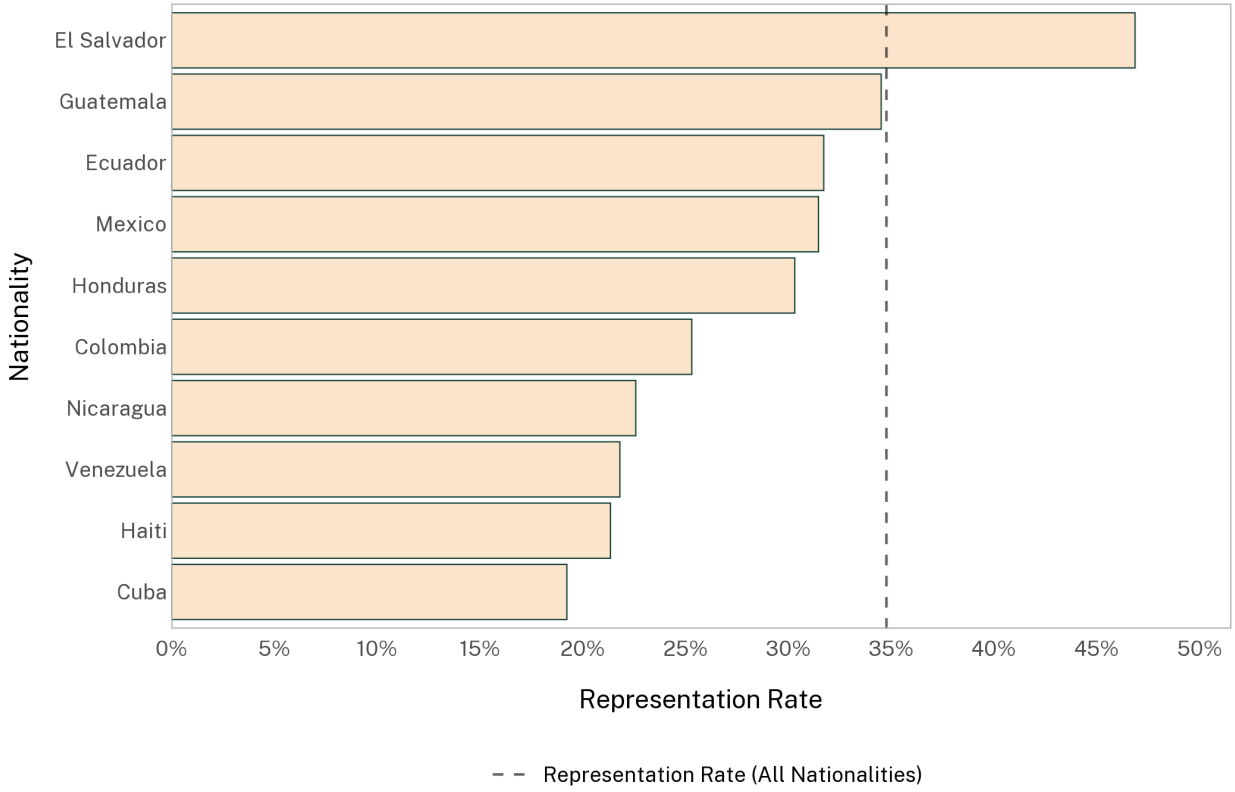
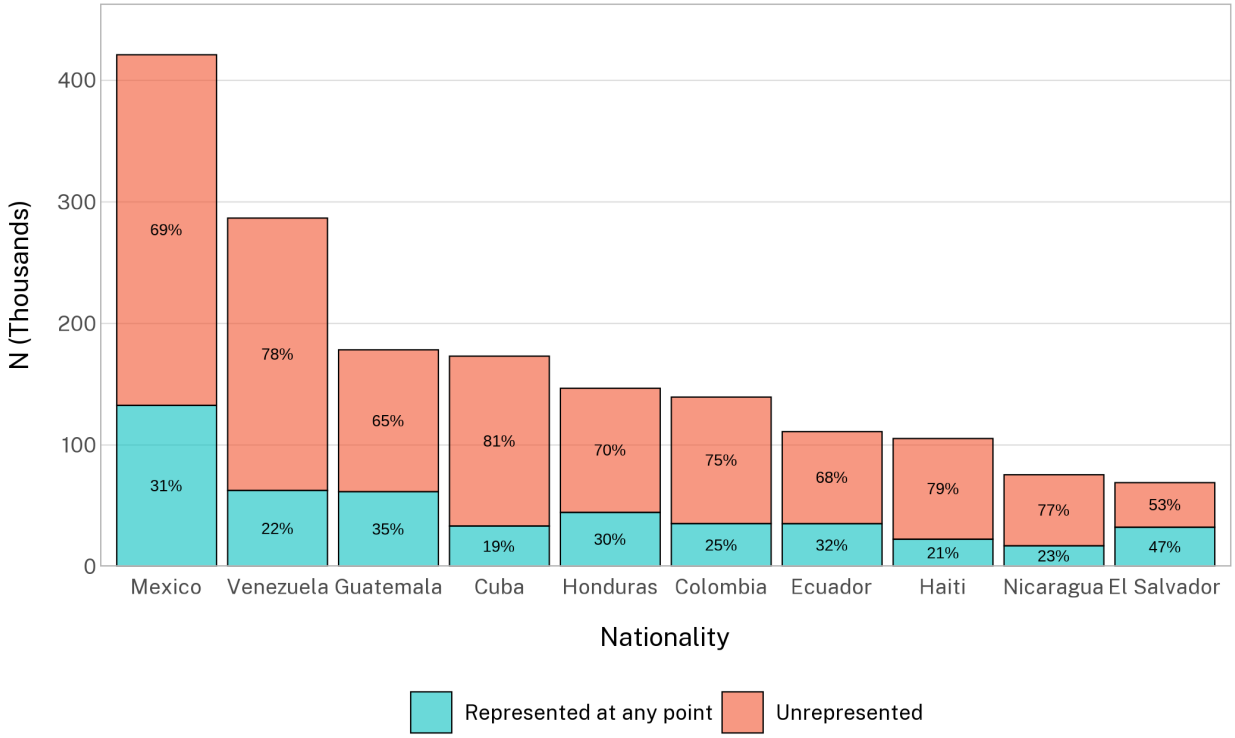


Figure 6 plots the total number of cases on the y-axis, while showing the same representation rates in text labels on the bars. Among the 12 countries with at least 50,000 cases with an NTA filed between 2024 Q1 and 2026 Q3, Cuba had the lowest representation rate (19%), while China had the highest representation rate (84%).

Figure 6. Total Number of Cases and Representation Rate by Nationality - Ten Largest Caseloads
NTA Calendar Year 2024 Q1 to 2026 Q3



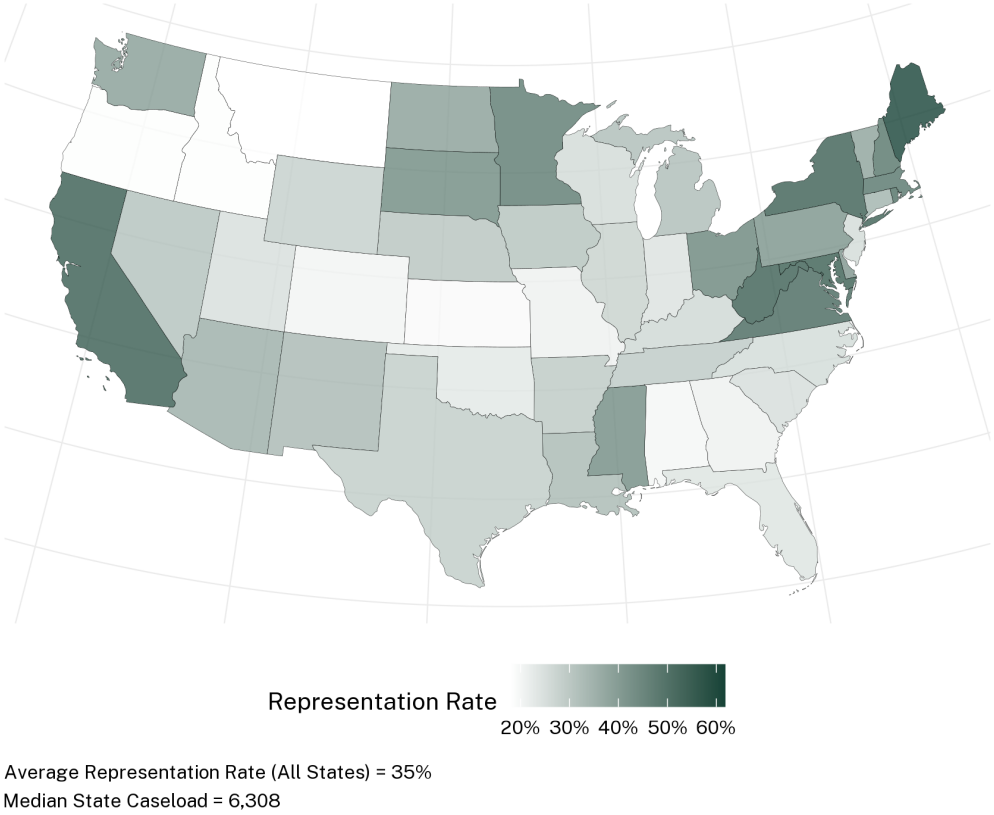
Unrepresented cases include both those that have not yet been represented (pending cases) and those that were never represented.

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.

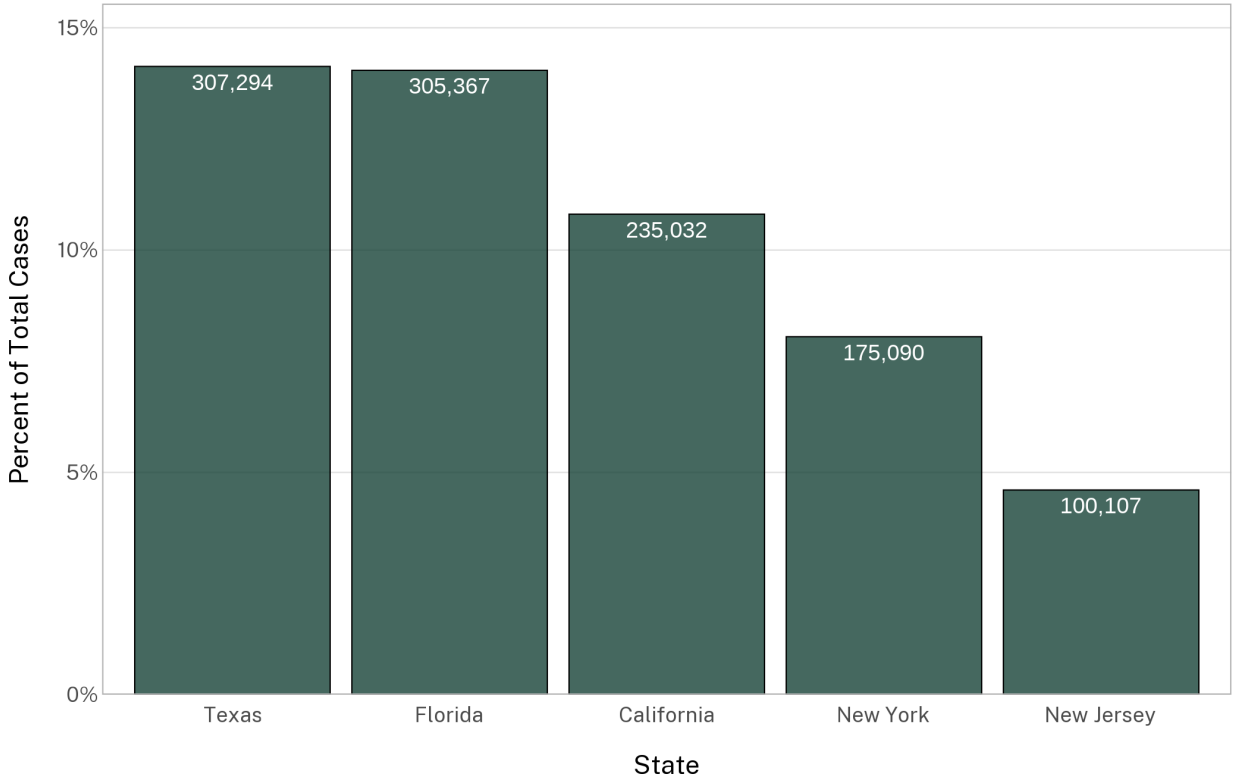
Of cases which began between 2024 Q1 and 2026 Q3, people living in Maine, California, and Maryland had the highest representation rates of all states, at approximately 62% (see Figure 7; dark green). Those living in Idaho, Oregon, and Montana had the lowest representation rates, from 18% to 19% (pale green on the map). The states with the largest number of people facing deportation in immigration court included Texas, Florida, California, New York, and New Jersey (see Figure 8).

Figure 7. Representation Rate by U.S. State of Residence
NTA Calendar Year 2024 Q1 to 2026 Q3



California, Florida, New Jersey, New York, and Texas accounted for 52% of all removal cases that began between 2024 Q1 and 2026 Q3 (see Figure 8).

Figure 8. Percent and Number of Total Cases by State - Five Largest Caseloads NTA Calendar Year 2024 Q1 to 2026 Q3



Numbers in bars indicate total caseloads for each state from 2024 Q1 to 2026 Q3.