

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/its-time-to-provide-government-funded-lawyers-to-all-immigrants-facing-deportation>

Public Facing Advocacy Writing

Joe Bidens decisive presidential win gives him a mandate to usher in a new era of governance, strengthen and fortify democratic institutions and due process rights, and turn the corner after four years of vitriolic, racist policies and rhetoric directed at immigrants.

President-Elect Biden has [already committed](#) to investing in programs that support migrants as they navigate their legal obligations and ensuring due process for all. As he enters his presidency with [Democratic control of the House and Senate](#), he has the chance to fulfill these promises, pursue bold policies, and shape a system in which due process rights are afforded to all through federally funded universal representation for immigrants in deportation proceedings.

Currently, people in immigration proceedings do not have the right to government-funded attorneys. As a result, most people facing deportation including an estimated 70 percent of those in detention must defend themselves against the federal government, a formidable opponent with nearly unlimited resources.

Universal representation strengthens democracy by guaranteeing due process rights, ensures a more equitable process, and achieves outcomes that generally require the assistance of an attorney. Immigrants who are represented by lawyers are [3.5 times more likely](#) to be granted bond and up to [10 times more likely](#) to establish their right to remain in the United States. Without attorneys, people who have a right to remain are often deported, separated from their families and homes, and forced to return to the very conditions from which they fled.

Recent polling Vera conducted in partnership with the survey firm Lucid shows there is widespread support among the American public for legal representation in immigration court.

Voters support the right to an attorney for all and expanded government funding for immigrants in deportation proceedings. One way Biden can achieve this: redistribute funds used to implement Trump-era border security policies and overpolicing to programs that enhance humane treatment and safeguard immigrant rights. But undoing the immigration policies of the past four years is not enough. At a time when democracy in the United States is under attack, we call on the Biden administration to fortify democratic principles, protect human rights, and extend due process rights to all people by funding attorneys for immigrants facing deportation who cannot afford one.

For more information about the methodology underlying Veras polling and the results reported here, see the [technical appendix](#).

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