

Human Rights First

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.humanrightsfirst.org/resource/immigration-court-appearance-rates>

Policy Issue Resources

Work With Asylum Seekers

If you are seeking asylum, we can help

Areas of Focus

Current Initiatives

As Congress and the Trump Administration debate immigration policy reforms, one critical and often misrepresented piece of information is the extent to which individuals in immigration removal proceedings comply with their court appearance obligations.

Based on available data, it is clear that [immigrants appear for their immigration court hearings at high rates](#), particularly when they have legal representation or case management support, and accurate information related to the court process.

However, some members of the administration and Congress, as well as media outlets, have asserted that immigrants are likely to skip their immigration court proceedings and that they must be held in detention facilities to assure their appearance for immigration appointments.

This inaccurate claim reflects a highly erroneous analysis of government data that is being used to justify further unnecessary levels of immigration detention. It also further exacerbates impediments to asylum and other immigration processes.

The use of immigration detention has far-reaching negative consequences on health and the ability to establish asylum or other eligibility. Many are held in remote locations where they cannot access legal counsel or communicate with relatives. Family members suffer the collateral effects associated with losing a primary breadwinner, parent, or guardian.

According to Syracuse University's Transactional Records Access Clearinghouse (TRAC), as of December 2017, 97 percent of represented mothers whose cases initiated in fiscal year (FY) 2014 were in compliance with their immigration court hearing obligations three years later.

Similarly, 98 percent of children in immigration proceedings whose cases initiated in 2014 and who had obtained counsel were in full compliance with their court appearance obligations as of December 2017.

TRAC data also showed, however, that 44% of mothers were not able to obtain legal counsel. Additionally, among the 57,678 cases of children that were filed before the immigration courts in 2014, 36 percent had not obtained legal representation by December 2017.

Human Rights First and other groups have noted numerous reasons that immigrants and asylum seekers often lack legal representation.

Statistics have shown that legal representation is the most important factor in determining whether an individual will succeed in their case.

The Trump Administration and proponents of legislation that seeks to block funding for legal representation are trying to thwart access to counsel, which in turn will lead to lower appearance rates.

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