



## **Most Recent Data on Children and Families in Immigration Courts**<sup>1</sup>

**Families Passing Credible Fear:** In preliminary interviews with federal asylum officers, **close to 90% of families** demonstrate that they have a credible fear of persecution or torture.

- The latest publicly available data (through March 21, 2015) from USCIS shows that 88% of detained families had passed their credible fear interviews. On February 2, 2016, the Asylum Office at USCIS indicated to stakeholders that the credible fear passage rate remains similar to what it was – that is, close to 90%.

**Representation Rates for Families Arrested in January Raids:** Based on information received from DHS, **53% of the 121 individuals** arrested in the raids on January 2-3, 2016 lacked representation at any point in their court process.

**Overall Representation Rates for Unaccompanied Children:** **Almost 50%** of unaccompanied children are **unrepresented** by counsel at any point in immigration court proceedings.

- TRAC data on juvenile cases cumulative FY2014 and FY2015: Total: 84,174; Represented: 42,708 (50.6%); Unrepresented: 41,457 (49.3%). Out of 33,874 total completed cases, 17,675 (52.2%) were represented.<sup>2</sup>

**Representation Rates for Unaccompanied Children Ordered Removed:** Of all the children's cases that began in either FY2014 or FY2015 and resulted in a removal order, **89.2% were unrepresented by counsel.**

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<sup>1</sup> Introductory Note: The two sources of this data are the Transactional Records Access Clearinghouse (TRAC) at Syracuse University (which draws directly from monthly reports of EOIR data) and data obtained directly from EOIR or USCIS. Both of these data sets have limitations and are imperfect; however, they generally concur, and we feel confident that the following statistics are the most accurate. The TRAC data was preferred because it breaks down removal orders by representation while EOIR data did not. Moreover, EOIR data we have access to on families is less complete and only includes a smaller data set. The EOIR data for the detained families, covers the period from July 18, 2014-December 29, 2015, and includes less than 1,000 cases: 459 (46.5%) cases were represented by counsel; 528 (53.5%) were unrepresented. The TRAC data includes 21,438 cases.

<sup>2</sup> Statistics obtained directly from EOIR concur with this. The latest stats from EOIR: July 18, 2014-December 29, 2015: of the 20,802 initial case completions for UACs, 11,985 had representation (meaning an E28 was filed at some point in the process) (57.6%) and 8,817 (42.4%) did not.

- The TRAC data shows that out of 33,874 completed cases, 15,698 resulted in a removal order – 14,009 (89.2%) of which were unrepresented, and 1,689 (10.8%) of which were represented.

**Representation Rates for Unaccompanied Children Ordered Removed In Absentia:** Of all the children’s cases that began in either FY2014 or FY2015 and resulted in an in absentia removal order, **96.6% were unrepresented by counsel.**

- The TRAC data shows that out of 13,526 in absentia removal orders issued, 13,067 (96.6%) were unrepresented.

**Overall Representation Rates for Families:** For family cases that began in either FY2014 or FY2015, **fewer than 30%** of these families had representation at any point in the immigration court process.

- TRAC data shows that of 21,438 completed cases, only 4,557 (21.4%) had representation; of all cases put into the system in FY2014 or FY2015 (97,263), only 26,665 (27.4%) were represented.

**Representation Rates for Families Ordered Removed:** Of all the family cases that began in either FY2014 or FY2015 and resulted in a removal order, **86% were unrepresented by counsel.**

- The TRAC data shows that out of 18,464 total removal orders issued, 15,890 (86%) were unrepresented.

**Representation Rates for Families Ordered Removed In Absentia:** Of all the family cases that began in either FY2014 or FY2015 and resulted in an in absentia removal order, **96.8% were unrepresented by counsel.**

- The TRAC data shows that out of 15,232 in absentia removal orders issued, 14,751 (96.8%) were unrepresented.

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