

Congress of the United States
Washington, D.C. 20515

May 16, 2025

The Honorable Hal Rogers
Chair
Subcommittee on Commerce, Justice,
Science, and Related Agencies
House Committee on Appropriations
U.S. House of Representatives
H-310 The Capitol
Washington, DC 20515

The Honorable Grace Meng
Ranking Member
Subcommittee on Commerce, Justice, Science,
and Related Agencies
House Committee on Appropriations
U.S. House of Representatives
H-310 The Capitol
Washington, DC 20515

Dear Chair Rogers and Ranking Member Meng:

As the Subcommittee considers the Commerce Justice Science Fiscal Year (FY) 2026 Appropriations Bill, we write to support \$400 million in funding to expand federal programs that provide legal representation for the thousands of immigrants, asylum seekers, families, and other vulnerable individuals who face federal immigration court removal proceedings each year without the advice of counsel. As you know, the House FY2022 bill, H.R. 4505, included \$50 million for the same purpose.

Our nation's immigration laws are complex and confusing, and the severe consequence of deportation is life-changing for individuals and families. Despite these facts, the federal government does not guarantee legal counsel for people in removal proceedings. Without legal counsel, it is nearly impossible for people in removal proceedings, who typically do not speak English, to understand the immigration system or how to apply for humanitarian and other legal relief.

Unfortunately, the Trump Administration has attempted to use the *Alien Enemies Act of 1798*, which has only been used during times of war, to deport migrants without due process. This misuse of the Act is causing significant instability in our immigration system. Moreover, the Trump Administration is taking advantage of the constitutionally dubious use of outdated sections of the *Immigration and Nationality Act* to have federal agents pick up multiple lawful permanent residents at their homes, arrest them, and detain them simply for exercising their First Amendment right to free speech. Furthermore, the Administration has unlawfully deported legal residents to likely death, including sending a legal resident from Maryland to an infamously inhumane prison in El Salvador. These attempts to weaponize our justice system to strike fear into the hearts of Americans and immigrants alike are un-American.

Legal representation is the most determinative factor in ensuring people facing removal have a fair day in immigration court. If represented by counsel, people are five times more likely to

obtain legal relief than those who are unrepresented¹. People who are detained during proceedings are 10.5 times more likely to succeed in their cases when represented². Despite the critical role of legal counsel nationwide, more than 40 percent of those appearing in immigration court go unrepresented by counsel, and a staggering 70 percent of detained persons face proceedings without counsel³.

Allowing greater access to legal counsel will help the court system operate more efficiently and effectively. Studies of immigration court data over the past decade have found that people represented by counsel appear in court over 96 percent of the time⁴. Having access to a lawyer can help noncitizens navigate a complex system, which is generally conducted in a language not their own. Additionally, legal representation avoids delays in court and saves time that judges typically spend explaining procedures to unrepresented people⁵. This underscores the crucial role of legal representation in reducing court delays and saving judges' time that would otherwise be spent explaining procedures to unrepresented individuals.

Moreover, more than 50 states and localities have initiated their own programs to provide legal representation to individuals facing removal proceedings⁶. We believe that this funding will help ensure fundamental fairness and allow immigrants facing removal a fair hearing and due process. Thank you for your consideration of this request, and we look forward to working with you to ensure due process for all individuals.

Sincerely,

¹ Ingrid Eagly and Steven Shafer, *Access to Counsel In Immigration Court* (Washington, DC: American Immigration Council, September 2016), https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

² Eagly and Shafer, *Access to Counsel in Immigration Court*, 19.

³ See Executive Office for Immigration Review, "Current Representation Rates," October 13, 2020, <https://www.justice.gov/eoir/page/file/1062991/download>; Transactional Records Access Clearinghouse, "Who Is Represented In Immigration Court?" October 16, 2017 (finding that detained individuals were represented at a rate of about 30 percent from 2015 to 2017), <https://trac.syr.edu/immigration/reports/485/>.

⁴ Ingrid Eagly and Steven Shafer, "Measuring In Absentia Removal in Immigration Court," *University of Pennsylvania Law Review* 168, no. 4 (March 2020), 9, https://www.pennlawreview.com/wp-content/uploads/2020/06/Eagly-Shafer_Final.pdf (finding that people with legal representation received *in absentia* orders of removals in four percent of cases); American Immigration Council, "Immigrants and Families Appear in Court" (Washington, DC: July 2019), <https://www.americanimmigrationcouncil.org/research/immigrants-and-families-appear-court> (noting a 97% appearance rate over the past decade for all individuals placed in removal proceedings who are represented by counsel).

⁵ See U.S. Department of Justice Office of the Inspector General Evaluation and Inspections Division, Management of Immigration Cases and Appeals by the Executive Office for Immigration Review, October 2012, 30, <https://oig.justice.gov/reports/2012/e1301.pdf>.

⁶ <https://www.vera.org>



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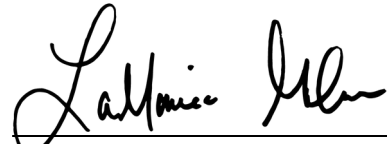
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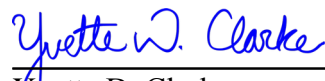
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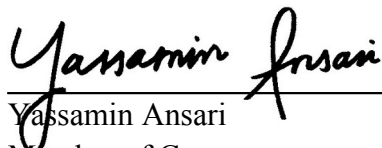
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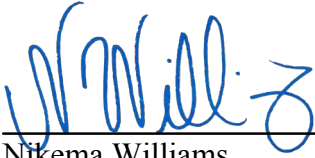
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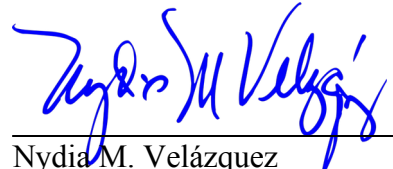
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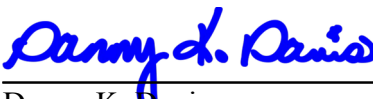
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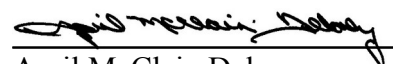
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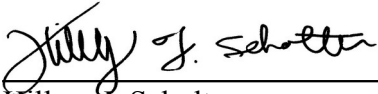
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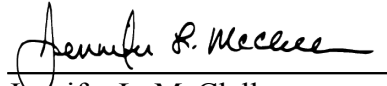
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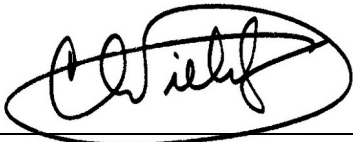
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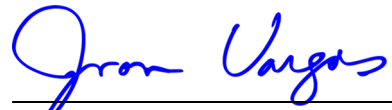
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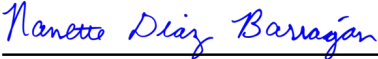
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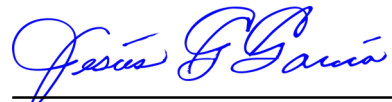
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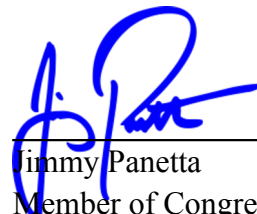
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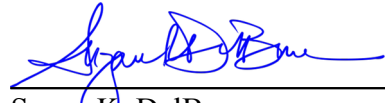
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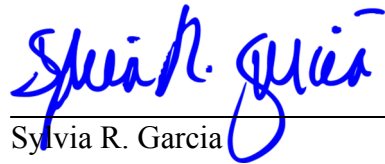
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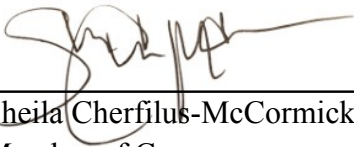
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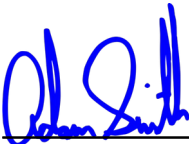
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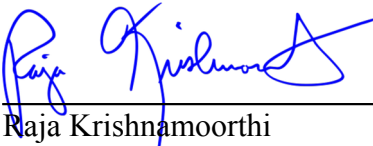
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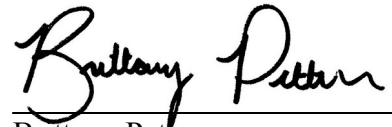
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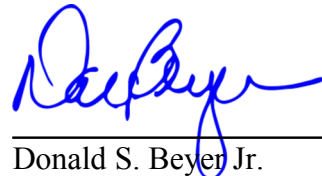
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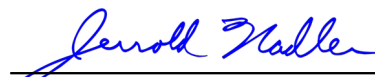
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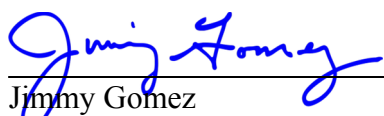
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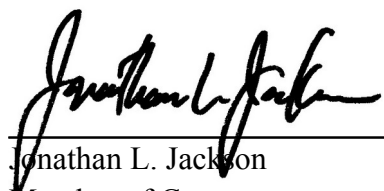
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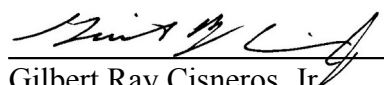
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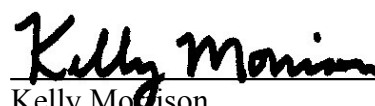
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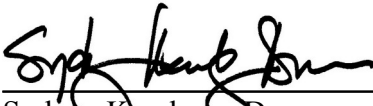
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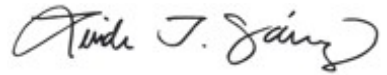
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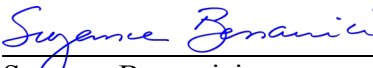
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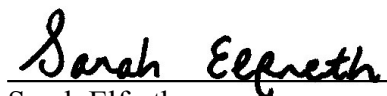
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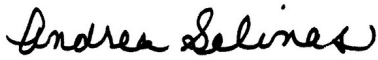
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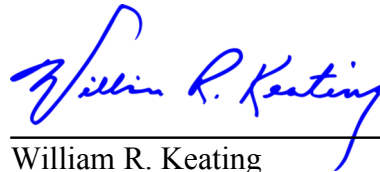
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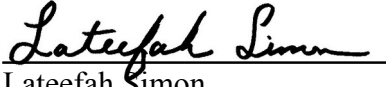
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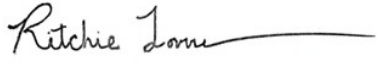
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