

Evaluating the Impact of the Midwest Immigrant Defenders Alliance: Year Two Progress and Recommendations for Scaling

Table of Contents

| | |
|---|----|
| Executive Summary_____ | 2 |
| Introduction_____ | 6 |
| The MIDA Evaluation Plan_____ | 6 |
| Data and Methodology_____ | 9 |
| The Landscape of Deportation Defense and the MIDA Program | |
| Reach_____ | 11 |
| Systemic Biases in the Immigration System_____ | 18 |
| Program Strengths and Limitations_____ | 20 |
| The Impacts of MIDA_____ | 24 |
| Recommendations for Scaling Up the MIDA Program_____ | 32 |
| Cost Considerations_____ | 41 |
| Looking Forward_____ | 43 |
| Appendix A – Projecting the Number of People in Need of MIDA | |
| Representation over a 10-Year Period_____ | 44 |
| Appendix B – Measuring Legal Capacity_____ | 46 |
| Appendix C – Metrics and Projections of Programmatic Costs_____ | 49 |
| Acknowledgments_____ | 51 |
| Endnotes_____ | 51 |

Executive Summary

The Midwest Immigrant Defenders Alliance (MIDA) is a coalition formed in March 2022 of four organizations—the National Immigrant Justice Center, The Immigration Project, The Resurrection Project, and the Law Office of the Cook County Public Defender—that have united to collaboratively provide legal services for people facing deportation before the Chicago immigration court. In the first year of the MIDA program, the collaborative—which has now completed its second year of operation—developed and began implementing a model to provide legal representation on a merits-blind basis to people who are in immigration detention centers in Illinois, Indiana, Kentucky, and Wisconsin with cases in the Chicago immigration court. This merits-blind approach means the organizations offer representation to all people regardless of the likelihood that they will achieve an outcome on their cases that permits them to remain in the United States, often referred to in the legal field as universal representation. The Vera Institute of Justice (Vera) is evaluating the impact of the MIDA program and this model of universal representation. This is the second annual report in a three-year evaluation.

This Year Two interim report provides an overview of trends in the Chicago immigration court and how the MIDA program is helping shape the landscape of detained deportation defense—including the program’s reach, strengths, and limitations. It also discusses biases MIDA attorneys have perceived, including different treatment based on immigrants’ race and ethnicity. These biases show up in immigration enforcement, immigration courts, the interpretation of laws, and the connection between the criminal legal system and the immigration system. MIDA’s merits-blind model has made access to representation more equitable, helping to address some of these systemic biases. Initial analysis shows that MIDA clients fare better in court than people who are unrepresented. Vera’s analysis also compares MIDA clients’ equity of access to counsel and outcomes to people represented by non-MIDA attorneys.

The analyses in this Year Two interim report lay the groundwork for a critical yet missing piece of evidence: if universal representation were offered to everyone, how would it impact people’s case outcomes? These results will be released in the final Year Three evaluation report, forthcoming in 2025. Studies have shown a positive relationship between having legal representation and improved case outcomes, but have not demonstrated a causal relationship between the two. Instead, these studies demonstrate only that having representation correlates with improved outcomes.¹ Although events that are positively correlated may also have a positive causal relationship, that is not always the case, which is why further analysis—at a deeper level of rigor—is needed. Other research has used

approaches that predict likely case outcomes, but did not account for the time needed to analyze actual case outcomes.² The final report of this three-year evaluation will be the first of its kind to produce a *causal* analysis of the impact of a universal representation model on immigration court outcomes.

MIDA's goal is to eventually provide legal representation to all people in immigration detention facing deportation in the Chicago immigration court—also known as the Chicago detained docket—who are eligible and want to participate in the program. But the MIDA Year One evaluation report showed that although local and federal funding in Illinois for direct representation in immigration court has increased, this funding has not met the need for representation of everyone facing deportation before the Chicago immigration court.³ The final section of this Year Two report provides recommendations for how to scale up the MIDA program to meet this unmet need and reach its ultimate goal.

Findings:

- **Immigration enforcement is inequitable, in part because of systemic biases in the criminal legal system.** According to MIDA attorneys, inequities from other systems, such as policing, spill over into immigration law and its application.
- **Despite an increasing demand for attorneys due to a growing number of non-detained people facing deportation in the Chicago immigration court, around half of people on the Chicago detained docket consistently have legal representation, in part due to the work of MIDA.** The number of people with detained cases before the Chicago immigration court has remained relatively stable since MIDA's inception in 2022 (although it began to trend upward again slightly at the end of 2023 and the beginning of 2024).⁴ However, in the same time period, the number of people with non-detained cases increased 122 percent to more than 200,600 cases pending from December 2023 to May 2024.⁵ This increase in non-detained cases heightened demand for attorneys and immigration legal services overall in the Midwest region. Even as demand for deportation defense has increased, the detained representation rate has remained relatively stable, with roughly 50 percent of people on the Chicago detained docket represented at any given time.⁶ This is in part due to the work of MIDA attorneys, who represent up to 20 percent of cases pending on the Chicago detained docket at a time.⁷
- **MIDA attorneys represented 205 clients in the first two years of the program (March 2022 to May 2024).**⁸ Two in three people (65 percent) who were offered MIDA representation became MIDA clients.⁹ The vast majority (91 percent) of MIDA clients received full-scope representation, with the other 9 percent receiving bond-only representation.¹⁰ Thirty-five percent of people (one in three) refused MIDA representation.¹¹ MIDA intake occurs at Master Calendar Hearings and requires people to adjourn and delay their hearings to continue with MIDA counsel, which may be a reason people declined MIDA representation, as many are tired of being detained or expecting case results at their initial Master Calendar Hearings. Stigma surrounding the quality of “free” representation may be another reason people decline MIDA representation. To overcome this perception, MIDA must perform

more outreach and education to people in detention about the quality of its representation.

- **MIDA clients have high rates of success in their case outcomes.**¹² Among the 110 MIDA clients in the first two years of the program with a known initial case decision, 40 people (36 percent) received a case outcome that allowed them to remain in the United States.¹³ Upon initial analysis, MIDA clients were more than five times more likely to be granted relief than unrepresented people with cases before the Chicago detained docket during the same time period.¹⁴ MIDA clients were also more likely to remain in the United States and be granted relief than people with non-MIDA representation in the same time period.¹⁵ Moreover, among the 109 potential MIDA clients who declined MIDA representation—107 of whom declined immediately at their Master Calendar Hearings—93 people (85 percent) received a removal order or were granted voluntary departure immediately at the end of the hearing at which they refused MIDA representation. All of the people's cases that did not receive an immediate order of removal had only reached a bond decision and/or were still pending.¹⁶
- **The MIDA program, which is designed around universal merits-blind intake, provides greater equity in access to representation to people of different countries of origin and linguistic groups than non-MIDA lawyers' intake systems.**¹⁷ MIDA helps close the legal representation gap for Spanish speakers, but the need for more expansive language services remains.¹⁸
- **Prior to being detained, MIDA clients worked in critical sectors and were employed at higher rates than U.S.-born citizens in the four Midwestern states where they reside.**¹⁹ Immigrants, especially noncitizens, in all four states where MIDA clients reside have a higher employment rate than U.S.-born citizens, and MIDA clients are no exception.²⁰ The majority of MIDA clients worked in construction, food services, and manufacturing, and some MIDA clients owned businesses.²¹ Of the MIDA clients who were employed, 82 percent were the primary breadwinners for their families. Immigration detention thus presents major economic disruptions for families.²²
- **Immigration detention has radiating impacts on families.** Among MIDA clients in the first two years of the program, 35 percent had a spouse or domestic partner living in the United States, and 13 percent had a spouse or domestic partner who was a U.S. citizen.²³ Four in 10 MIDA clients (40 percent) lived in a household with children, and 84 percent of clients who lived in a household with children lived with U.S.-citizen children.²⁴
- **Legal service providers' capacity constraints, as well as residency restrictions on funding, may limit continuity of representation.** In 47 percent of cases before the Chicago detained docket in the five years preceding this report (June 2019 to May 2024), people were released and had their cases transferred to the Chicago immigration court non-detained docket before the immigration judge reached initial decisions on their cases.²⁵ Many providers cannot continue representing people after release, due to either capacity constraints or residency restrictions on funding

that bar representation for people with cases outside of detention. For example, after being released from detention, a person facing deportation before the Chicago immigration court who is not an Illinois resident is no longer eligible for representation through certain funding streams such as the Illinois Access to Justice fund, which funds some MIDA organizations. MIDA attorneys have had to stop representing 36 MIDA clients mid-case largely due to these capacity constraints and funding restrictions.²⁶

- **Because nonprofit legal capacity in Illinois is limited, MIDA needs to take several steps to sustainably scale up.** MIDA must prioritize onboarding and training new MIDA attorneys early in the program's expansion, invest in scaling legal capacity in the deportation defense field overall, invest in attorney retention, and expand into new pools of providers. MIDA should first expand to other nonprofit legal service providers in Illinois and the other Midwestern states where MIDA clients are detained (Indiana, Kentucky, and Wisconsin) and, second, consider engaging the private bar and U.S. Department of Justice Executive Office of Immigration Review-accredited representatives when appropriate.
- **With proper investment, MIDA can grow to reach the entire Chicago detained docket within five years.** If the number of detained cases filed remains at current levels, an estimated 343 detained people each year would accept MIDA representation.²⁷ However, cases do not always close in a year, and the backlog of pending cases will continue to grow over time. Vera estimates that in five years, the number of people with cases pending who need representation would be roughly 2.5 times the number of people with newly filed cases, and in 10 years, the number of people with cases pending who need representation would be more than triple the number of people with newly filed cases.²⁸ Looking forward, the annual funding level needed to support all cases before the Chicago detained docket would need to increase in the first five years from \$1.6 million to \$22 million.²⁹ Funding would need to continually increase—though at a slower rate—from \$22 million to \$29.2 million annually as the number of pending cases increases.³⁰

Introduction

The Midwest Immigrant Defenders Alliance (MIDA) is a coalition formed in March 2022 made up of four organizations—the National Immigrant Justice Center, The Immigration Project, The Resurrection Project, and the Law Office of the Cook County Public Defender (CCPD)—that have united to collaboratively provide legal services for people facing deportation before the Chicago immigration court. In the first year of the MIDA program, the collaborative—which has completed its second year of operation—developed and began implementing a model to provide legal representation on a merits-blind basis to people who are in immigration detention centers in Illinois, Indiana, Kentucky, and Wisconsin with cases in the Chicago immigration court. This merits-blind approach means the organizations offer representation to all people regardless of the likelihood that they will achieve an outcome on their cases that permits them to remain in the United States, often referred to in the legal field as universal representation. The Vera Institute of Justice (Vera) is evaluating the impact of the MIDA program and this model of universal representation. This report is the second annual report in a three-year evaluation.

MIDA's goal is to eventually provide legal representation to all people facing deportation on the Chicago detained docket who are eligible and want it. The MIDA Year One evaluation report showed that although local and federal funding in Illinois for direct representation in immigration court has increased, this funding has not been enough to provide representation to everyone facing deportation before the Chicago immigration court.³¹ This Year Two report provides recommendations for how to scale up the MIDA program to meet this unmet need to reach its ultimate goal.

The MIDA Evaluation Plan

At the outset of the MIDA program, Vera researchers—together with the four MIDA organizations—set up a database and a systematized intake system that allows for program evaluation in order to offer people in immigration detention facing deportation legal representation. As long as people are held in immigration detention, their cases are scheduled on the Chicago detained docket of the Chicago immigration court. MIDA organizations are not yet able to serve everyone on the Chicago detained docket, but they ensure a merits-blind universal representation process with the following intake model: At the end of each week, MIDA organizations receive detained docket lists from the Chicago immigration court with the schedule of hearings for the next week, which include the representation status of people when known. MIDA attorneys rotate attending immigration court on select days of the week as a friend of the court to observe the initial Master Calendar Hearings scheduled that day.³² At the Master Calendar Hearing, the immigration judge reads a brief explainer of the MIDA program to each person who does not already have legal counsel present and asks if they would like to adjourn their case to consult with the MIDA attorney present. If the person accepts, the court adjourns their initial hearing, MIDA attorneys screen them for MIDA program eligibility, and the court schedules a new Master Calendar Hearing. If the person declines, they proceed with their scheduled Master Calendar Hearing unrepresented.

People are eligible for MIDA representation if they do not already have a lawyer and they have a self-reported income less than 200 percent of the federal poverty line. If they are willing to participate and deemed eligible, MIDA offers these clients free legal counsel with a MIDA attorney. The attorney who observed their initial case, however, may assign the case to another attorney at a different MIDA organization who has the capacity and expertise necessary to take on the case. People receive continued access to counsel free of charge for the duration of time they are detained. In some cases, if a client is released to a geographic area that one of the MIDA organizations serves, the client can continue working with their attorney after release. For most of the first year of the MIDA program, one immigration judge heard cases on the Chicago detained docket. However, beginning in January 2024, a second immigration judge was added. MIDA attorneys, after this date, began observing and accepting clients with cases docketed to be heard before both immigration judges.

At the end of MIDA's first year, Vera produced an interim evaluation report of the MIDA program with initial findings. This Year One report contained an analysis of the past and current landscape of immigration enforcement and detention, unmet representation need, legal services capacity in the region, and national detention and immigration court trends; a detailed description of the MIDA intake model and its implementation, which ensures a merits-blind approach; summary statistics of MIDA clients served in the program's first year; initial indicators of the MIDA program's impact; and a road map for the future evaluation plan.³³

The topline findings from the Year One report:

- The vast majority of noncitizens in Illinois have long-standing ties to the community and local and state economies. Seven in 10 noncitizens in Illinois have lived in the United States for more than a decade, yet still, without citizenship, risk deportation.
- MIDA was representing a larger share (and number) of people on the Chicago detained docket one year into the program, despite an increasing number of cases before the court.
- MIDA's universal representation model ensures equity of access to legal representation, and MIDA clients represent the diverse countries of origin, primary languages, and past contact with the criminal legal system of people on the Chicago detained docket overall.
- Of MIDA clients whose cases had reached an initial disposition in immigration court one year into the program, more than a third (36 percent) established the right to remain in the United States with the assistance of counsel.
- Among the MIDA clients represented one year into the program, nearly one in three (29 percent) were parents to children living in the United States.

- MIDA clients in the first year of the program had higher rates of employment prior to detention than the overall Illinois and Chicago populations.
- People with representation on the Chicago detained docket have historically fared much better in court than those without representation.

The need for further evidence

Past research has shown a positive relationship between having legal representation and improved case outcomes, but this evidence has not proved a causal relationship between the two. Instead, these studies only demonstrate that having representation correlates with improved outcomes.³⁴ Although events that are positively correlated may also have a positive causal relationship, this is not always the case. It is possible that the people who had representation in these analyses may already have had stronger cases or more willingness to fight their case to begin with, making them already more likely to have positive case outcomes.³⁵ Other research has predicted likely case outcomes but did not account for the time needed to analyze actual case outcomes.³⁶ This is why further analysis—at a deeper level of rigor—is needed.

The final report of this three-year evaluation—which will be completed in 2025—will be the first of its kind to evaluate whether universal representation *causes* different outcomes in immigration court. The MIDA model ensures that all eligible clients, once they are screened for eligibility, have an equal chance of receiving representation. MIDA uses a randomized client intake system, in which the only factor determining if a person is offered representation is whether a MIDA attorney can take on new clients and attends court that day.

This randomized, merits-blind setup will allow Vera researchers to conduct a fully controlled study of whether representation impacts immigration court outcomes, such as the likelihood a person will be released from detention, the amount they pay in bond, the likelihood they stay in the United States, and more. This study will answer the question, “What would happen if everyone on the Chicago detained docket had access to universal representation?” However, Vera will be able to state these results with precision only after enough cases are completed in court. Therefore, these results will be included in the Year Three report. This study will provide the foundation for future research on how universal representation impacts things like the fiscal balance (government revenues minus expenditures), labor markets, immigrants’ health, criminality, and more.

This Year Two interim report

- describes the data and methodologies used for analysis;
- gives an overview of trends in Chicago immigration court and how the MIDA program is helping shape the landscape of detained deportation defense, including the reach of the MIDA program;
- discusses biases MIDA attorneys have perceived—such as different treatment based on immigrants’ race and ethnicity—in immigration enforcement, immigration

courts, the interpretation of laws, and the connection between the criminal legal system and the immigration system;

- discusses some of the program's strengths and limitations;
- highlights some of MIDA's impacts; for example, the merits-blind model has improved equity in access to representation—addressing some of the systemic biases MIDA attorneys mentioned—and on initial analysis, MIDA clients are faring better in court compared to people who are unrepresented. This analysis will also compare MIDA clients' equity of access to counsel and outcomes to people represented by non-MIDA attorneys;
- provides a road map for scaling up the MIDA program to reach all people on the Chicago detained docket who are eligible and would accept representation if offered, including a discussion of the investments required.

Data and Methodology

The report uses three primary methodologies for analysis: (1) quantitative data analysis, using data science methods; (2) qualitative data analysis; and (3) predictive modeling analysis. All the methodologies used for this study that include MIDA clients' data have been approved by Vera's Institutional Review Board, which ensures compliance with federal regulations governing research with human subjects, including appropriate confidentiality and data handling. The three types of analysis are described next.

Quantitative data analysis using data science methods

This report uses four main datasets for the quantitative data analysis. The first is MIDA client data, which MIDA organizations entered into Vera's secure Safety and Fairness for Everyone (SAFE) database. The data in the SAFE database includes basic demographic information as well as ongoing information about clients' legal proceedings. Vera researchers have data-sharing agreements with the MIDA providers to use this database—primarily for programmatic purposes—in a research context for the purposes of this evaluation.

The second dataset is standardized docket information the Chicago immigration court provides to local legal service providers. The court provided weekly schedules for the Chicago detained docket, including hearing types and personally identifiable information for people with hearings scheduled for that week. The docket lists constitute public records only.

Vera supplemented these docket lists with a third dataset National Immigrant Justice Center provided to Vera on behalf of MIDA organizations, which consists of semi-structured tables of notes MIDA representatives took on court observation days. Combined, these two data sources form a record of people with hearings before the Chicago detained docket who were screened for MIDA representation yet were considered ineligible. Researchers can use this information to analyze how MIDA attorneys are applying the selection criteria for receiving legal representation. These databases further allow Vera to trace the ways people's cases progress through the Chicago detained docket, from

MIDA attorneys' court observations through eligibility screening for potential representation to eventual case outcome.

Finally, the fourth dataset, released monthly by the U.S. Department of Justice (DOJ) Executive Office for Immigration Review (EOIR), or the EOIR Case database, tracks developments across the federal immigration court system at the level of individual cases, proceedings, and hearings. This anonymized dataset includes everything from demographic information—such as gender, age, nationality, and primary language—to the specifics of legal proceedings, including custody and representation status, case outcomes, and adjournments. However, it does not include personally identifiable information such as names.

Although the dataset released by EOIR is anonymized, Vera has developed an algorithm to match the MIDA data from the SAFE database to individual case records within the EOIR data, also using some data from the weekly docket lists. This algorithm focuses on fields that can be compared across datasets, including hearing dates, case history and outcomes, demographic identifiers, and attorney information. The result of this matching algorithm is a linked and merged master dataset that includes the MIDA client data, the Chicago weekly docket data, the data on MIDA attorneys' contact and engagement with people, and the EOIR court data. The analyses in this report use this master dataset to present various quantitative results comparing MIDA clients to non-MIDA clients within the Chicago detained docket and to track developments in the cases of people who are no longer MIDA clients.

Qualitative data analysis

Vera conducted qualitative research—semi-structured, one-hour oral interviews with MIDA attorneys—to evaluate some measures of impact that cannot be quantitatively measured, such as perceived biases within the immigration system and perceived programmatic strengths and challenges. Vera developed the questionnaires for these interviews, and the MIDA organizations, along with other qualitative researchers at Vera, reviewed them and provided feedback. Vera researchers conducted interviews with eight MIDA attorneys from all four MIDA organizations in English via Zoom from June 2024 to July 2024, and they coded the interview responses into Qualtrics for analysis. The analyses of the interviews presented in this report are perceptions that are untested, meaning the results have not been verified through other methods, and thus their generalizability may be limited.

Vera researchers also attempted to conduct interviews with MIDA clients whose cases were pending or had concluded. Interviewing clients can provide a deeper understanding of people's human experiences with the detention system, as well as their experiences with the MIDA program. MIDA attorneys referred their clients or former clients whom they pre-screened as potentially interested in participating in the study to the Vera research team. For their participation in the interviews, Vera provided MIDA clients a modest stipend and conducted interviews in English or Spanish via Zoom or phone. However, the research team was unable to connect with any client who was willing or able to participate in the study within the study's timeline. This lack of response may point to clients' burnout in dealing with the immigration system, past traumas, fear or distrust in speaking about their immigration proceedings, other desire to maintain privacy, or other reasons. Vera did not

expect this lack of response, as its outreach to clients in deportation proceedings for other studies has yielded interest and response.

Predictive modeling analysis

The predictive modeling analysis creates a road map of what it would take to scale up the MIDA program to provide representation to all people facing deportation on the Chicago detained docket in a reasonable time frame. It examines the landscape of people on the Chicago detained docket; who already has an attorney; what the unmet need for immigration attorneys is and will be in the coming years; and what would be needed—in terms of both legal capacity and funding—to expand MIDA programming to meet that need. Vera primarily used the EOIR Case immigration court data to count the number of people in immigration detention who are currently in need and predict the number of people who will be in need of attorneys in the coming years. Data on the number of attorneys in the region comes from the American Immigration Lawyers Association (AILA) directory and the Immigration Advocates Network and the Catholic Legal Immigration Network, Inc., compiled in the paper by Kerwin and Millet (2022).³⁷ Vera researchers made adjustments to these attorney counts using additional data from the American Bar Association. Several other data sources, including financial metrics collected directly from the MIDA organizations, feed into the model to create predictions for future capacity needs and cost estimations. (For details of the data sources used to create these predictions, see the sections “Recommendations for Scaling Up the MIDA Program” and “Cost Considerations,” as well as Appendices A to C.)

The Landscape of Deportation Defense and the MIDA Program Reach

The number of people with detained cases before the Chicago immigration court has remained stable since MIDA’s inception and has decreased from five years ago. At the same time, the number of people with non-detained cases has increased substantially, heightening the demand for attorneys in non-detained cases and immigration legal services overall in the Midwest region. Despite these trends, the MIDA program—which is focused solely on people whose cases begin in immigration detention—has kept up the rate of representation for people with detained cases in the Chicago immigration court, providing full-scope representation in the majority of cases. This section explores the MIDA program and its reach through its second year (March 2022 through May 2024).

Since MIDA’s inception, the number of people with non-detained cases has increased, while the number of people with detained cases has remained stable.

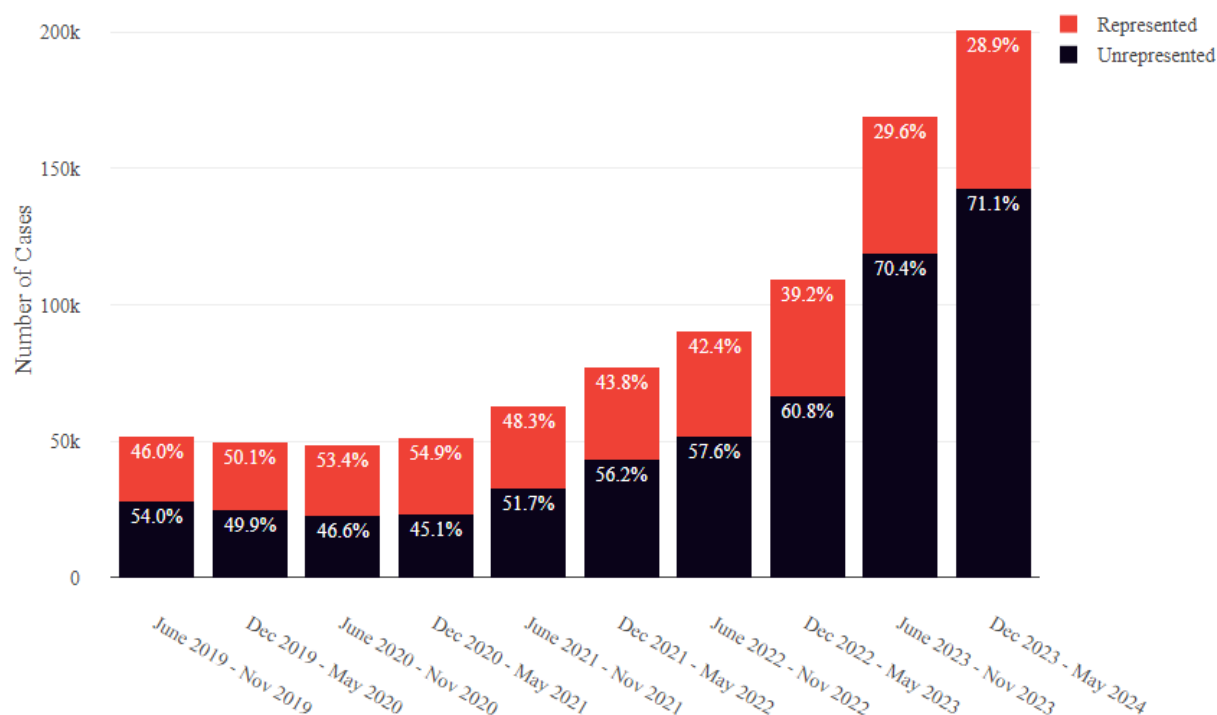
The number of people with non-detained cases began to substantially increase in Fall 2022, as the number of people arriving at the southwestern border of the United States began to

grow. During this time, the Texas governor and aligned nonprofit organizations bused many people—especially Venezuelans—to Illinois.³⁸ In the five years preceding this analysis (June 2019 to May 2024), the number of people with non-detained cases rose rapidly, nearly quadrupling, from roughly 51,600 pending cases (from June 2019 to November 2019) to more than 200,600 five years later (from December 2024 to May 2024), as shown in Figure 1. The 200,600 people with pending non-detained cases marked a 122 percent increase even since MIDA’s inception (up from 90,300 cases pending from June 2022 to November 2022).

However, also in the five years preceding this analysis, the number of cases of people in immigration detention before the Chicago immigration court simultaneously *decreased* 65 percent, from 1,572 pending cases to 558 pending cases, as shown in Figure 2. Figure 2 also shows that since MIDA’s inception, the number of cases on the Chicago detained docket has remained relatively stable and even began to trend upward again at the end of 2023 and the beginning of 2024, an indication that the backlog of cases on the Chicago detained docket may increase again or at least level off in the coming years.

Figure 1

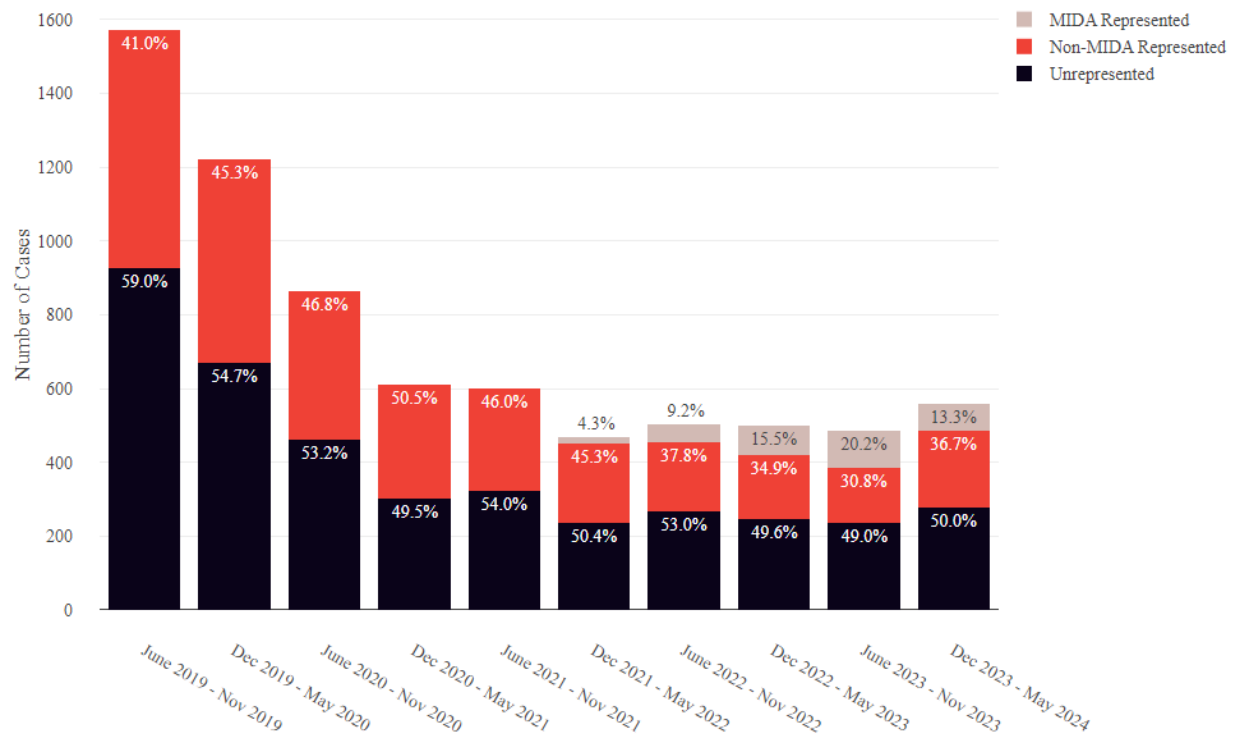
Representation Status of Non-detained Cases Pending in the Chicago Immigration Court



Source: Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

Figure 2

Representation Status of Detained Cases Pending in the Chicago Immigration Court



Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

The total number of people with non-detained cases who have representation in the Chicago immigration court has increased, though it has not been able to keep pace with the backlog.

As the number of people with non-detained cases before the Chicago immigration court has been increasing, the need for representation has grown rapidly. Figure 1 shows the number of people with non-detained cases who have representation rose 145 percent from approximately 23,700 to 58,000 cases over this five-year period (June 2019 to May 2024).³⁹ Despite this increase in the number of people with non-detained cases who have representation, Figure 1 also shows the non-detained *representation rate* (or represented cases as a share of the total cases) has dropped from 46.0 percent to 28.9 percent over this five-year period, simply because the total number of people with non-detained cases has increased faster than legal capacity to serve them.

Already constrained immigration legal service providers are even further stretched for capacity in this changing environment.

In this context, already under-resourced legal service providers are even further stretched for capacity. They are struggling not only to provide deportation defense for people in immigration detention and those who are not detained but also to meet the other legal services needs of arriving immigrants. For example, the designation of temporary protected status for Venezuelans—a short-term protection status for which Venezuelans who arrived in the country before July 31, 2023, can apply—in addition to changing asylum regulations, have increased and will continue to increase the overall need for immigration legal services.⁴⁰

Even in a changing environment with constrained legal capacity, the share of people with detained cases who have representation has remained stable, in part due to the work of MIDA.

In the challenging context of increasing need and limited legal capacity, the MIDA program has been able to help keep the representation rate for people on the Chicago detained docket stable. Even though MIDA does not serve people whose cases begin outside of detention, the increase in people with non-detained cases before the immigration court over the past five years is relevant to the study of the MIDA program and its impacts. It contextualizes how MIDA has been able to fill the gaps in representation for people in detention when lawyer capacity otherwise might be limited as the need for non-detained representation is growing. Figure 2 shows that MIDA attorneys represent up to 20 percent of people with cases pending on the Chicago detained docket in any six-month period.⁴¹

In an example of how MIDA has helped keep this detained representation rate stable, Figure 1 shows that from the first half of 2023 (December 2022 to May 2023) to the latter half of 2023 (June 2023 to November 2023), the number of people with non-detained cases increased by more than 50 percent, constraining legal capacity.⁴² Nevertheless, Figure 2 shows that in this same time span, the detained representation rate remained stable (around 50 percent of cases on the detained docket), in part due to MIDA, as the share of people on the Chicago detained docket who were MIDA clients increased from 15.5 to 20.2 percent.⁴³

Two in three people (65 percent) who were offered MIDA representation became MIDA clients.

Figure 3 shows the coverage of Master Calendar Hearings of people on the Chicago detained docket during the first two years of the MIDA program (March 2022 through May 2024). There were 1,445 people on the Chicago detained docket with initial Master Calendar Hearings during this time period. MIDA observed the initial Master Calendar Hearings of 462 people, approximately one-third (32 percent) of all those scheduled in this time period.⁴⁴

Of the 462 cases MIDA attorneys observed, 143 people (31 percent) already had representation by a non-MIDA attorney at their Master Calendar Hearing, and hence were not offered a screening with a MIDA attorney as they would be ineligible for the program.⁴⁵ Another 107 people (23 percent) declined to accept even an intake screening with a MIDA attorney and chose to proceed unrepresented at their initial Master Calendar Hearing.⁴⁶ The remaining 212 people (46 percent) accepted a MIDA screening.⁴⁷

After accepting an intake screening with a MIDA attorney and hearing about the program, people were far less likely to decline MIDA representation after intake. Among the 212 people who went through an intake screening

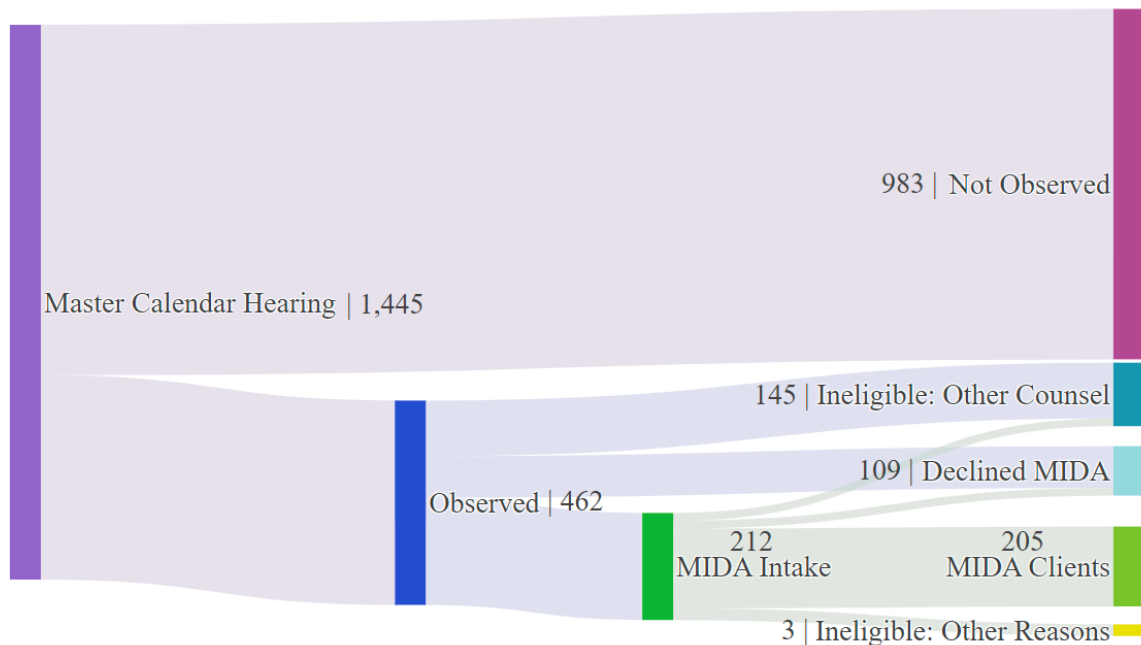
- two people (less than 1 percent) were found ineligible because they were represented by other counsel that they did not indicate at their Master Calendar Hearing,
- three people (1 percent) were found ineligible for MIDA for other reasons,
- two people (less than 1 percent) declined the offer for MIDA representation, and
- 205 people (97 percent) accepted the offer for representation and became MIDA clients.⁴⁸

In total, including people who either declined or were found ineligible for representation at Master Calendar Hearing or post-intake screening, Figure 3 shows that of the 462 people whose Master Calendar Hearings were observed by MIDA attorneys

- 148 people (32 percent) were found ineligible (145 people, or 31 percent, due to having outside counsel and three people, or less than 1 percent, for other reasons),
- 109 people (24 percent) declined MIDA representation, and
- 205 people (44 percent) became MIDA clients.

Figure 3

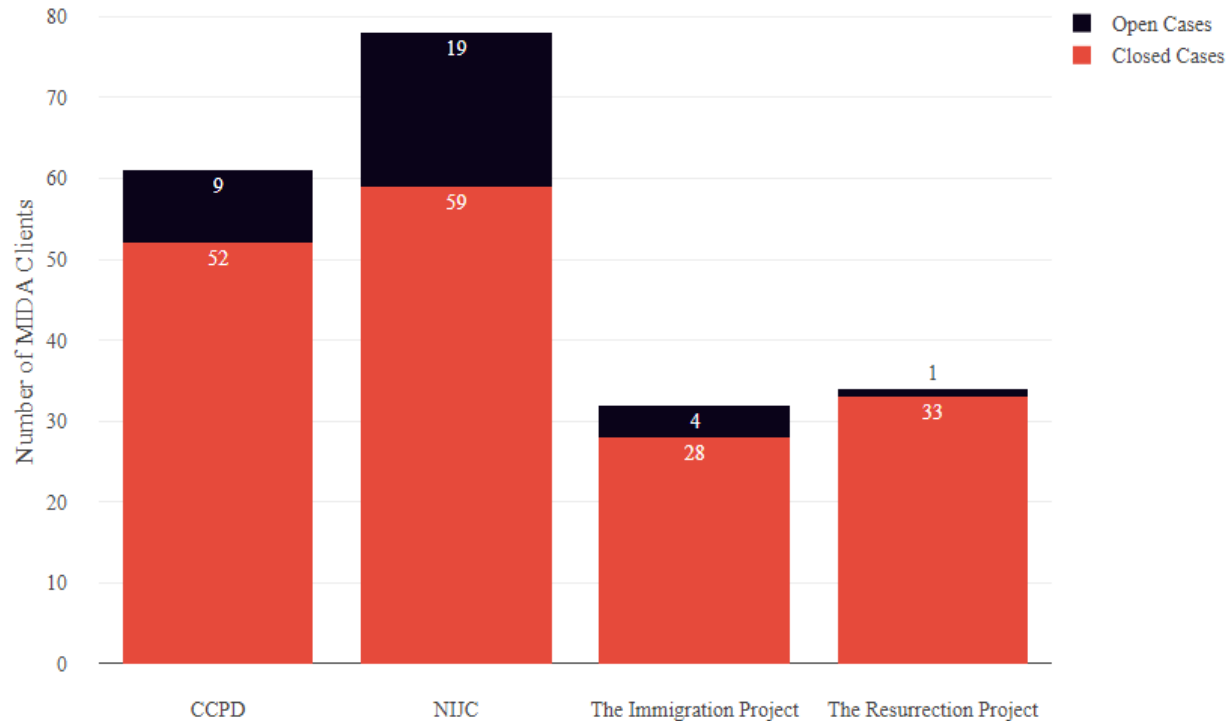
Pathways of People on the Chicago Detained Docket during the MIDA Program



Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

Figure 4

Number of Clients Served and Case Status of Clients, by MIDA Organization



Note: The total number of Midwest Immigrant Defenders Alliance (MIDA) clients includes people who received MIDA representation by MIDA attorneys from March 2022 to May 2024. One person is counted twice in the total number of MIDA clients. This is because the person was originally a client of The Immigration Project but later was transferred to the CCPD's office. This client is counted under both organizations' case counts in order to credit both organizations for their work on the case. "Closed Cases" refers to people whose cases were no longer receiving active representation by a MIDA attorney as of May 31, 2024. "Open Cases" refers to people whose cases still were receiving active representation by MIDA attorneys as of May 31, 2024.

Source: Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024).

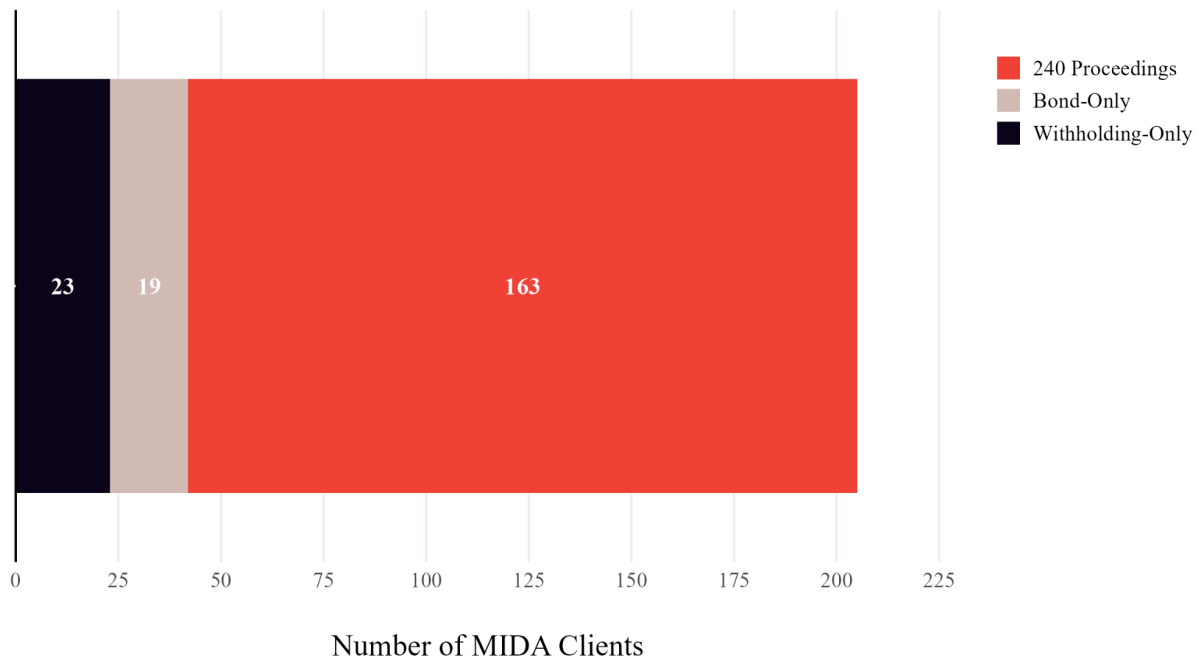
The majority of MIDA clients received full-scope representation.

Figure 4 shows that the four MIDA organizations have collectively served 205 people, and each organization has represented dozens of clients. Figure 5 shows that the vast majority—186 of the 205 people (91 percent)—who received MIDA representation in the first two years of the program received full-scope representation: zealous legal representation from their initial Master Calendar Hearing through case decision and all potential appeals.⁴⁹ Figure 5 also shows that of the 186 clients receiving full-scope representation, 163 people (80 percent) received representation in cases pursuant to Section 240 of the Immigration and Nationality Act (240 proceedings), and 23 people (11 percent) received representation in withholding-only cases.⁵⁰ Figure 5 shows that another 19 people (9 percent) received bond-only representation from MIDA attorneys, meaning

they were represented only through their bond hearing, not through the entirety of their case.⁵¹

Figure 5

Number of MIDA Cases by Scope of Legal Representation



Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024).

Systemic Biases in the Immigration System

Attorneys Vera interviewed said that there is bias throughout the immigration system that makes it unfair—from immigration enforcement to decision-making in immigration court to the exercise of system actor discretion. Attorneys stated that biases—including systemic racism—in other structures such as the criminal legal system are passed through into the immigration system as well.

Immigration enforcement is inequitable in part due to entanglement with systemic biases in the criminal legal system.

Attorneys explained that these systemic biases can impact the *likelihood* that a person comes in contact with the immigration system at all. This contact may come about when immigration enforcement officials or police disproportionately target certain immigrant groups and then funnel them into the immigration system via the “crimmigration” pipeline. Both U.S. Immigration and Customs Enforcement (ICE) and the police have discretionary power as to whom they target for arrest. Attorneys explained that police biases about

immigrant groups may influence whom they target. Immigrants from Latin America, the Caribbean, and Africa have different types of interactions with law enforcement than do European immigrants. As one attorney expressed:

It's intimately tied to the criminal legal system. So, if we're overpolicing communities of color, and we're locking more people up in those communities, if more people are getting convicted in those communities, then obviously they're going to be referred to immigration court more as well.

Another attorney noted:

I think it starts with the criminal [legal] system and how it penalizes people of color and people who don't have resources and then ICE compounds that. And more of my clients are darker skinned, which makes me ask who ICE is going after and why are they going after them.

Inequities from other systems spill over into immigration court and the application of immigration laws.

All attorneys stated that immigration laws, and their application to immigrants, are tied to systemic issues that result in inequities. First, in addition to ICE and the police, immigration judges also exercise discretion in adjudicating proceedings. Some attorneys said that the application of the law in immigration proceedings depends on the immigration judge overseeing the proceedings. However, this may be more of a problem outside of the Chicago detained docket. All MIDA attorneys interviewed stated that the two judges on the Chicago detained docket are fair and welcoming of the MIDA program, having established familiarity and relationships with the collaborative's attorneys. Attorneys stated they have witnessed these two judges treat their clients fairly and apply the law equitably across different groups of immigrants as much as they can. As one attorney put it:

I honestly really like [the immigration judges]. I mean in a professional way. I do think they do the best job. It is far from a perfect system. And yes, I disagree with them a lot of the time professionally, and sometimes I am upset by their decisions but with full honesty I cannot say that there was ever a time when the judges were being unfair. I think our judges have compassion.

On the other hand, sometimes attorneys believe judges are not allowed to use enough discretion. For example, a judge may want to release someone from detention or set bond, but the law may make a person ineligible for bond or release. Some attorneys expressed that these moments are difficult because these limitations are tied to the law and its entanglement with the criminal legal system, rather than the judges themselves. One said:

I think the judges are making their efforts to make just decisions under the law. And sometimes the law just sucks, and they cannot, and it's not possible for the judge to grant bond.

Some attorneys stated that they would support advocacy to enable judges to use their discretion to set bond. However, support for increased judicial discretion may be desirable only in a jurisdiction like Chicago, which has judges who are seen as fair to clients. As one MIDA attorney interviewed expressed, “We’re lucky in Chicago, because we have fair judges, but most other places don’t.”

However, even in the Chicago immigration court, the systemic biases baked into the criminal legal system can then further disproportionately harm some immigrants by impacting not just the likelihood that they end up in court at all, but also *the outcomes of their cases*. Attorneys interviewed also stated that other institutions, such as policing, influence immigration proceedings. For example, immigration judges include police reports in their decision-making, which can carry with them officers’ biases based on race, ethnicity, class, and gender. One attorney explained:

Judges decide to focus on police reports, and we know how problematic police reports are and how problematic police are. I would like us to continue to push back on this idea that police reports are kernels of truth and that a judge can make a decision on bond or whether a person is a danger to the community based on a police report.

Program Strengths and Limitations

According to MIDA attorneys, the collaborative structure of the network is a major strength for both information sharing and morale. Despite offering full and zealous representation—meaning representation through a person’s time in immigration detention and, when possible, after release—various roadblocks prevent MIDA attorneys from reaching everyone. Certain barriers are on the clients’ side, such as potential refusal of counsel. Other barriers are structural, such as funding restrictions on the types of cases that MIDA can serve, MIDA’s overall capacity constraints, and potentially the timing of intake.

Knowledge-sharing and communication channels among providers within the collaborative network strengthen the MIDA staff and quality of services.

In their interviews, attorneys emphasized that a key strength of the MIDA program is its collaborative network, which allows organizations to support each other. They recommended prioritizing this feature in any efforts to replicate or expand the program. They noted the opportunities for knowledge-, information-, and resource-sharing as positive parts of the program. These formal and informal shared spaces include the MIDA Slack channel, case workshops, and regular meetings among organizations to discuss cases and share updates. MIDA attorneys shared that these spaces have helped them represent people with particularly difficult cases and noted that this supportive network model was particularly important for onboarding and training of new attorneys.

The collaborative network model gives providers a shared sense of mission.

MIDA attorneys also noted that the collaborative gives participating legal service providers a common shared mission, making it a welcoming and engaging environment. All attorneys interviewed expressed a deep love for and dedication to the work with their clients and appreciated the staff's commitment to securing the best possible outcomes for their clients according to the law. This shared mission gives MIDA staff a sense of solidarity and community. They also shared that part of their responsibility is to ensure the government upholds due process. Many also stated that they feel a sense of accomplishment in being able to help people who are in detention navigate the criminal legal and immigration systems. One attorney stated:

The fact that people are represented is a big win, [especially] the fact that MIDA has chosen a more holistic approach to providing interpreters and social workers and experts. To do this case means to meet our clients where they are. We are recognizing that detention has a big impact on their families.

The timing of intake and stigma surrounding the quality of “free” representation may be reasons people decline it.

Figure 3 shows that 35 percent of people who were offered MIDA representation refused it.⁵² Nearly all (98 percent) people who declined representation refused to accept even a screening with a MIDA attorney.⁵³ According to MIDA attorneys, the reasons people without outside counsel decline MIDA representation vary. Some, for example, had a bond they were expecting to post, and they did not want to adjourn and delay that decision. Other reasons for declining included “detention fatigue,” anticipation of a final decision, or not wanting to delay the case further. Whether people are refusing representation based on the perceived merits of their case is an open question. It is also unclear whether the timing of the intake affects the rate of people refusing representation or if an earlier attorney–client attachment would decrease the rate of people refusing representation. It is possible that some people—in particular, people who were detention fatigued or expecting a case outcome—would have accepted MIDA representation if it were offered before their scheduled hearings and did not require them to adjourn.

Furthermore, attorneys interviewed expressed that one barrier to working with clients is overcoming the stigma attached to free representation, akin to the stigma associated with public defenders. People screened for MIDA representation may sometimes believe that this type of representation is not high-quality, making some people who are eligible for the MIDA program hesitant to work with MIDA attorneys. Though it is not possible to know the exact reason every person refuses MIDA representation, stigma surrounding free representation may be a barrier that requires more awareness raising or education for people facing deportation to debunk preexisting opinions.

Providers' capacity constraints and residency restrictions on funding limit continuity of representation after release from detention.

MIDA clients have access to counsel free of charge while they are detained. In some cases, when clients are released to a geographic area that one of the MIDA organizations serves, clients may be able to continue working with their attorney after release. Nevertheless, many clients lose their MIDA representation after release from detention as a result of geographic limitations on MIDA providers' funding. Even when there are no geographic restrictions on continued representation after release, MIDA organizations' capacity constraints often require attorneys to withdraw from representation.

Funding in Illinois for deportation defense often comes with restrictions on eligibility linked to residency, at either a city, county, or state level.⁵⁴ These restrictions may exclude people from being eligible for legal services at all, or—as is the case for some MIDA funding sources—may make a person ineligible for deportation defense after they are found initially eligible. For example, because MIDA offers representation equitably to people in detention on the Chicago detained docket, which hears cases from Illinois, Indiana, Kentucky, and Wisconsin, many people are not Illinois residents. One funding source, the Illinois Access to Justice (ILA2J) program, only provides funding for legal services in Illinois. Half of ILA2J's \$25 million budget in 2024 (\$12.5 million) was allocated for immigration services, of which 70 percent is for legal service providers. About 10 to 15 percent of ILA2J-funded cases are removal defense cases.⁵⁵ However, according to interviews with MIDA attorneys, a person facing deportation before the Chicago immigration court who is not an Illinois resident is no longer eligible for ILA2J-funded representation after they are released from detention due to the fund's residency restrictions. Therefore, when MIDA clients are released from detention, they may lose access to legal counsel before their case has reached a decision. Even when funding is unrestricted, providers are facing capacity limits that may prevent them from serving people after their release. The issue of capacity and recommendations for scaling the MIDA program are discussed later in this report.

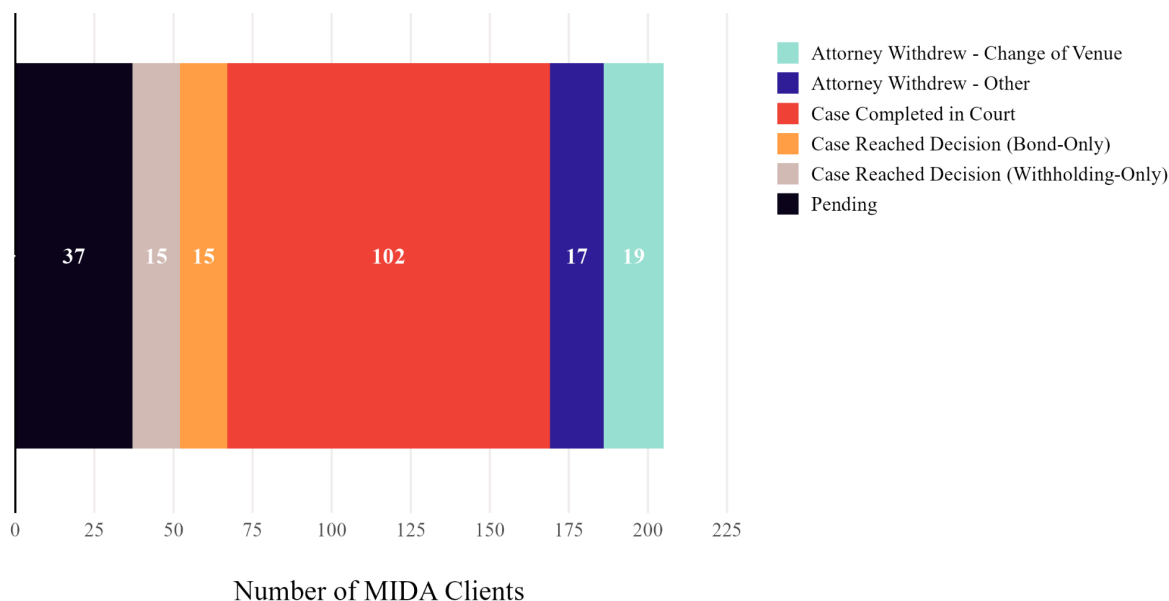
A large share of people on the Chicago detained docket are released from detention before their cases reach a decision. Of the 6,623 removal cases on the Chicago detained docket from June 2019 to May 2024, 3,512 (53 percent) were transferred off that docket before the case reached an initial decision by a judge.⁵⁶ Of those 3,512 people, 3,081 (or 47 percent of all people on the Chicago detained docket during this period) had their cases transferred to the Chicago immigration court's non-detained docket because people were released from detention before their cases reached a conclusion.⁵⁷ Although it is positive that people are being released from custody, restricted funding and limited capacity for non-detained representation can leave them without legal representation in their deportation proceedings.

Continuing representation for people also proves difficult when their cases are transferred to other immigration courts or Chicago dockets besides the Chicago immigration court's non-detained docket. This difficulty arises not only from limited capacity and residency restrictions on funding but also from the difficulties of representing a person from a distance. Though this type of case transfer presents more challenges for representation, it is less common than case transfers from the Chicago detained docket to the Chicago non-

detained docket that occur as a result of people being released from immigration detention. Of the 6,623 removal cases on the detained docket in this period, 255 cases (4 percent) were transferred to courts outside of the Chicago immigration court, and 176 cases (3 percent) were transferred to another nearby docket.⁵⁸

Figure 6

Status of MIDA Attorney–Client Relationship



Note: In cases counted in the categories “Case Completed in Court,” “Case Reached Decision (Bond Only),” and “Case Reached Decision (Withholding Only),” Midwest Immigrant Defenders Alliance (MIDA) attorneys have stopped concluding their work with their clients after the case reached a decision in court.

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024).

Figure 6 shows that in 102 cases, MIDA attorneys concluded their work with their clients because their deportation cases (240 proceedings) were completed in court. Attorneys concluded their work with 15 other withholding-only clients and 15 bond-only clients after the court reached a decision. As of May 2024, attorneys were actively representing 37 MIDA cases. However, MIDA attorneys prematurely stopped working with 36 clients (withdrew) before the case reached an initial decision before an immigration judge. In 19 of these 36 cases, the attorney indicated in the MIDA client database that they withdrew from the case when the client had a change of venue. In 17 cases, MIDA attorneys indicated in the MIDA client database that they withdrew from the case for other reasons. MIDA staff indicated that these two reasons for withdrawal often overlap. Sometimes, when a MIDA client changes venues to the non-detained docket after release from detention, the attorneys—in practice—withdraw from the case and often mark the reason for withdrawal as “Other” as opposed to “Change of Venue,” because their withdrawal may be primarily due to program capacity or funding restrictions that prevent them from continuing to work with their clients. Hence, the number of cases closed for change of venue and for other reasons largely represent the same situation: attorneys ending client relationships because they

could no longer represent people after release. However, there may be a few cases in which attorneys ended their client relationships for other reasons. Vera is working with MIDA staff to help differentiate in the database these types of reasons for ending attorney–client relationships.

The Impacts of MIDA

Attorneys stated that, like the public defender system, the MIDA program helps hold the government accountable to uphold due process. They believe the program helps mitigate inequitable treatment or systemic biases that disproportionately impact some immigrant communities. The following analyses first demonstrate how the universal, merits-blind intake process improves equitable access to representation across various countries of origin and language groups. These analyses also show how having representation is associated with better outcomes in court. However, having an attorney cannot change the types of relief or outcomes for which a person is eligible. Rather, representation is associated with an increased likelihood a person will win the types of relief for which they qualify, which they might not have been aware of if they had not had an attorney.

MIDA attorneys represent people of different countries of origin more equitably than non-MIDA lawyers.

The Chicago detained docket has become more diverse since MIDA began. For example, in the two years before MIDA, 84 percent of people on the Chicago detained docket came from 10 countries, as opposed to 74 percent in the two years after MIDA began.⁵⁹ This change may be due partially to the increased busing of newly arrived immigrants from the southwestern border in recent years. The MIDA intake system is randomized and does not discriminate against or give preference to people of any particular country of origin. The following analysis shows that this programmatic change toward a universal representation model with randomized intake is driving more equitable representation. Table 1 shows the distribution of MIDA clients, clients represented by non-MIDA attorneys (“Other Non-MIDA Represented”), unrepresented clients, and the total detained docket by country of origin during the first two years that MIDA was operational (March 2022 to May 2024). The table compares the country-of-origin distribution of MIDA clients and that of people with non-MIDA attorneys to the country-of-origin distribution of the detained docket overall to see how equitably MIDA lawyers and non-MIDA lawyers accept clients of different countries of origin.

Vera used the Gini coefficient to measure the equality of representation offered to people. The Gini coefficient is a measure that runs from zero to one (or zero to 100 percent), where a higher value indicates more inequality. Zero represents complete equality in the distribution of lawyers and one (100 percent) represents complete inequality in the distribution of lawyers. Generally, the Gini coefficient is used to measure income inequality (how equally income is distributed across a population), but it has been used to measure other inequalities such as in access to various resources. In this case, the resource considered is legal representation by an attorney. The Gini coefficient here measures how equally—or unequally—lawyers are distributed across people of different countries of origin

relative to how many people of that country of origin have cases pending before the Chicago detained docket. The Gini coefficient would be zero if the lawyers were perfectly proportionately distributed across people of different countries of origin relative to the share of people on the Chicago detained docket from each country of origin. The Gini coefficient for equality in access to lawyers across nationalities for MIDA clients through May 2024 was 0.29, whereas the Gini coefficient for people represented by non-MIDA attorneys was 0.36, meaning MIDA lawyers more equitably represent people from different countries of origin than non-MIDA lawyers, who may often triage their cases.⁶⁰

Table 1

Countries of Origin of People on the Chicago Detained Docket, by Representation Status

| Country of Origin | MIDA Clients | MIDA Clients % | Other Non-MIDA Represented | Other Non-MIDA Represented % | Un-represented | Un-represented % | Total | Total % |
|--------------------|--------------|----------------|----------------------------|------------------------------|----------------|------------------|--------------|--------------|
| Mexico | 99 | 48.3 | 156 | 38.2 | 389 | 62.0 | 644 | 51.9 |
| Honduras | 14 | 6.8 | 50 | 12.3 | 47 | 7.5 | 111 | 9.0 |
| Guatemala | 20 | 9.8 | 20 | 4.9 | 49 | 7.8 | 89 | 7.2 |
| Nicaragua | 14 | 6.8 | 13 | 3.2 | 20 | 3.2 | 47 | 3.8 |
| El Salvador | 1 | 0.5 | 19 | 4.7 | 14 | 2.2 | 34 | 2.7 |
| Colombia | 4 | 2.0 | 8 | 2.0 | 12 | 1.9 | 24 | 1.9 |
| Venezuela | 5 | 2.4 | 5 | 1.2 | 14 | 2.2 | 24 | 1.9 |
| Dominican Republic | 0 | 0.0 | 6 | 1.5 | 13 | 2.1 | 19 | 1.5 |
| Myanmar | 8 | 3.9 | 6 | 1.5 | 1 | 0.2 | 15 | 1.2 |
| Ecuador | 2 | 1.0 | 5 | 1.2 | 7 | 1.1 | 14 | 1.1 |
| India | 1 | 0.5 | 9 | 2.2 | 4 | 0.6 | 14 | 1.1 |
| Nigeria | 0 | 0.0 | 9 | 2.2 | 3 | 0.5 | 12 | 1.0 |
| Cuba | 8 | 3.9 | 0 | 0 | 3 | 0.5 | 11 | 0.9 |
| Other | 29 | 14.1 | 102 | 25.0 | 51 | 8.1 | 182 | 14.7 |
| Total | 205 | 100.0 | 408 | 100.0 | 627 | 100.0 | 1,240 | 100.0 |

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

MIDA attorneys represent people of different linguistic groups more equitably than non-MIDA lawyers.

Table 2 shows the language distribution of MIDA clients compared to people with non-MIDA representation and unrepresented people on the Chicago detained docket during the first two years MIDA was operational (March 2022 to May 2024). The table displays the categories Spanish, English, and Other, but the languages included in the Other category are wide-ranging. As of May 2024, current or former MIDA clients spoke 16 native languages: Spanish, English, Burmese (five clients), Chuj (two), Creole (one), Hindi (one), Kiche (one), Kinyarwanda (one), Korean (two), Mixe/Tlahuitoltepec (one), Nepali (one), Russian (one), Somali (two), Swahili-French (one), Tzotzil (one), and Other (five).

Vera conducted an analysis similar to the country-of-origin Gini analysis described previously to test how equitably lawyers are distributed across linguistic groups. Vera performed this analysis for both MIDA clients and people with non-MIDA representation. The Gini coefficient here measures how equally—or unequally—lawyers are distributed across people of different linguistic groups relative to how many people of that linguistic group have cases pending before the Chicago detained docket. Vera grouped people into Spanish speakers, English speakers, and people who speak other languages. The Gini coefficient would be zero if the lawyers were perfectly proportionately distributed across Spanish, English, and other-language speakers relative to the share of people on the Chicago detained docket from each of the three linguistic groups. The Gini coefficient for equality in access to lawyers across nationalities for MIDA clients through May 2024 was 0.33, whereas the Gini coefficient for non-MIDA represented people was 0.57, meaning MIDA lawyers more equitably represent people using different languages than non-MIDA lawyers.⁶¹

MIDA helps close the legal representation gap for Spanish speakers specifically, but more expansive language services are still needed.

Table 2 shows that both MIDA and non-MIDA lawyers disproportionately represent more other-language speakers relative to the share they constitute of the detained docket overall. However, Spanish speakers are very underrepresented by non-MIDA attorneys. Spanish speakers make up 72.9 percent of the detained docket and a comparable 74.6 percent of MIDA clients, but just 59.6 percent of people who have secured other representation.

In the interviews Vera researchers conducted with MIDA providers, attorneys felt there was still a lack of resources to have more expansive translation services, though certain MIDA organizations do have dedicated budgets for these services. Attorneys interviewed said that, at times, it is a challenge to find and access funding for interpretation and translation

services for less common languages than Spanish. This challenge can result in attorneys spending a lot of time and effort just to secure the interpretation and translation services—time they could have spent on legal representation.

Table 2

Languages of People on the Chicago Detained Docket, by Representation Status

| Language | MIDA Clients | MIDA Clients % | Non-MIDA Represented | Non-MIDA Represented % | Un-represented | Un-represented % | Total | Total % |
|--------------|--------------|----------------|----------------------|------------------------|----------------|------------------|--------------|--------------|
| Spanish | 153 | 74.6 | 243 | 59.6 | 508 | 81.0 | 904 | 72.9 |
| English | 28 | 13.7 | 117 | 18.7 | 93 | 14.8 | 238 | 19.2 |
| Other | 24 | 11.7 | 48 | 11.8 | 26 | 4.1 | 98 | 7.9 |
| Total | 205 | 100.0 | 408 | 100.0 | 627 | 100.0 | 1,240 | 100.0 |

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

Upon initial analysis, MIDA clients were more than five times more likely to be granted relief than unrepresented clients on the Chicago detained docket in the same time period.⁶²

In addition to improving equity in access to counsel, MIDA representation is associated with improved outcomes. Because the MIDA program has a randomized intake model, MIDA clients should not differ substantially, on average, from unrepresented clients in regard to either their demographics or the merits of their cases, yet their case outcomes differ widely.⁶³ Table 3 shows the outcomes of all MIDA clients whose cases closed in court compared to people with non-MIDA representation and people who were unrepresented on the Chicago detained docket in the same time period. As of May 2024, MIDA attorneys had closed their relationships with 117 MIDA clients after the court reached a decision as shown in Figure 6. Of the 117 MIDA clients whose cases reached a decision, 102 were in 240 deportation proceedings, and 15 had withholding-only cases. Some of the outcomes of these cases (seven people in 240 proceedings) are unknown pending additional entry of client data into the MIDA client database. Table 3 shows that during the first two years of the MIDA program, among the 625 unrepresented people on the Chicago detained docket, only 34 people (5 percent) were granted relief. By contrast, of the 110 MIDA clients with completed cases with a known outcome, 30 people (27 percent) were granted relief, a relief rate more than five times higher for MIDA clients than unrepresented people.

Considering not only relief, but also any outcomes that allow people to remain in the United States—including a grant of relief, case termination, prosecutorial discretion, grant of withholding of removal, and other positive case closures—MIDA clients’ success rate is 2.8 times higher than that of unrepresented people.⁶⁴ Table 3 shows that among MIDA clients, 40 people (36 percent) had case outcomes that allowed them to remain in the United States. In comparison, among the 625 unrepresented people, only 80 people (13 percent) had case outcomes that allowed them to remain in the United States.

Looking at a breakdown of the types of case outcomes of the 40 MIDA clients permitted to remain in the United States in Table 3:

- Thirty people were granted relief (27 percent of the 110 people with a known outcome).
- Three people had their immigration proceedings terminated, allowing them to maintain their lawful permanent resident status (3 percent of the 110 people with a known outcome).
- Seven people were granted withholding of removal, preventing their removal from the United States (6 percent of the 110 people with a known outcome).

Looking at a breakdown of the specific types of case outcomes of the 80 unrepresented people permitted to remain in the United States also in Table 3:

- Thirty-four people were granted relief (5 percent of the total 625 unrepresented people on the docket, all with a known outcome).
- Four people had their proceedings terminated (1 percent of the total 625 unrepresented people on the docket).
- Forty-two people had their cases otherwise closed through prosecutorial discretion or another positive case outcome, such as a grant of withholding of removal (7 percent of the total unrepresented people on the docket).

Table 3

Outcomes of People with Completed Cases on the Chicago Detained Docket, by Representation Status

| Outcome | MIDA Clients* | | Other Non-MIDA Representation | | Unrepresented | |
|---|---------------|-------------|-------------------------------|-------------|---------------|-------------|
| | N | Percent *** | N | Percent *** | N | Percent *** |
| Relief Granted | 30 | 27% | 74 | 18% | 34 | 5% |
| Terminate Proceedings | 3 | 3% | 30 | 7% | 4 | 1% |
| Other Positive Outcome** | 7 | 6% | 33 | 8% | 42 | 7% |
| Total Allowed to Remain in the United States | 40 | 36% | 137 | 33% | 80 | 13% |
| Removal Order | 45 | 41% | 183 | 44% | 411 | 66% |
| Voluntary Departure**** | 17 | 15% | 63 | 15% | 111 | 18% |
| Other Negative Outcome | 8 | 7% | 29 | 7% | 23 | 4% |

| | | | | | | |
|--|------------|-------------|------------|-------------|------------|-------------|
| Total Removals and Voluntary Departures | 70 | 64% | 275 | 67% | 545 | 87% |
| Total Known Outcomes | 110 | 100% | 412 | 100% | 625 | 100% |
| Total Unknown Outcomes***** | 7 | - | 1 | - | 0 | - |
| Total | 117 | - | 413 | - | 625 | - |

Note: * Midwest Immigrant Defenders Alliance (MIDA) clients with bond-only representation are excluded from these totals. ** Other positive outcomes may include prosecutorial discretion, grant of withholding of removal, or another type of case closure that permits the person to remain in the United States. *** Percentages are given out of the total cases with a known outcome, as a more understandable measure of the share of cases that are successful versus unsuccessful. **** Although voluntary departure does not allow for clients to remain in the country, it is a more favorable outcome than a removal order, because it does not carry penalties and leaves opportunities for the client to return to the United States lawfully more easily in the future. ***** There are seven MIDA clients whose case outcomes are currently unknown, pending additional entry of client data into the MIDA client database.

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

MIDA clients were more likely to remain in the United States and be granted relief than people with representation by non-MIDA attorneys on the Chicago detained docket in the same time period.⁶⁵

MIDA attorneys explained that non-MIDA nonprofit attorneys often triage their cases to take on clients who have cases that seem more likely to win based on initial screening, and private immigration attorneys may either triage their cases or accept any cases in which people are willing to pay for their services without regard to the likelihood of winning. Even though MIDA accepts clients without regard to the likelihood of achieving a successful outcome in their case, the data shows that they are granted outcomes that permit them to remain in the United States at higher rates than people with non-MIDA representation. Table 3 shows that among MIDA clients whose cases are completed in court with a known outcome and who have concluded their work with MIDA attorneys, the case success rate (36 percent) is higher than the case success rate for people with non-MIDA representation on the Chicago detained docket during the same time period (33 percent).⁶⁶ Specifically, MIDA clients are much more likely to be granted relief (27 percent, or 30 of the 110 MIDA clients with a known outcome) than people with representation by non-MIDA attorneys (18 percent, or 74 out of 412 people), but less likely to have their cases terminated or otherwise closed in court (9 percent, or 10 out of 110 MIDA clients, compared to 15 percent, or 63 out of 412 people with non-MIDA representation).

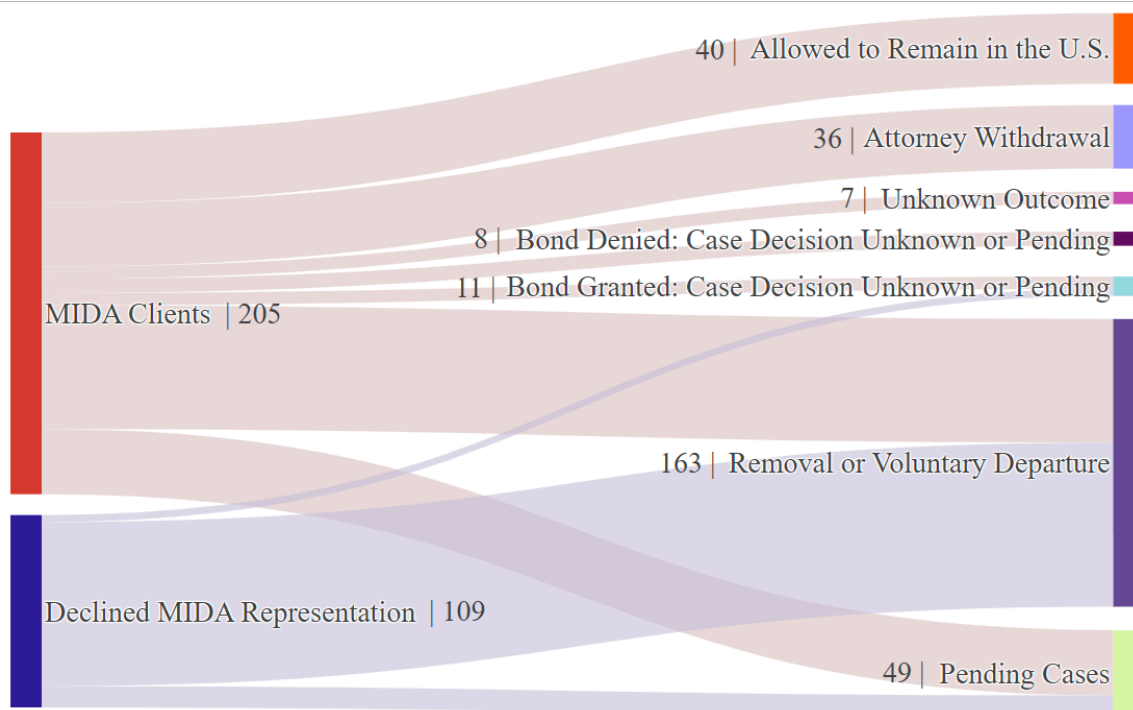
More than four in five people who declined a screening with MIDA attorneys received a case outcome that required them to leave the United States at the end of the hearing at which they refused representation.⁶⁷

Figure 7 shows the pathways of people whose initial Master Calendar Hearings MIDA attorneys observed. Among the 109 potential MIDA clients who declined MIDA representation—107 of whom declined immediately at their Master Calendar Hearings—93 people (85 percent) received a removal order or were granted voluntary departure immediately at the end of the hearing at which they refused MIDA representation. The cases of 12 people (11 percent) who declined MIDA representation—including the two people who refused representation after MIDA intake—were still pending, and in four cases (4 percent), people were granted bond, but their deportation cases had not yet reached a decision. Moreover, Figure 7 shows that in the cases in which MIDA attorneys provided clients with bond-only representation and that reached a bond decision, seven of 15 people (47 percent) were granted bond.

MIDA organizations noted that people who refuse MIDA screenings at their initial Master Calendar Hearings often do so in order to move forward with their case because they want to be released from detention and/or leave the country as soon as possible. It is unclear whether people who refuse representation are doing so because they believe their case has strong enough merits to succeed without help. It is also unclear whether people refusing representation are self-selecting to go forward without an attorney based on the perceived merits of their cases. Offering counsel at the initial Master Calendar Hearing has been shown to improve equity at intake. However, more research is needed to see if offering MIDA counsel at this stage—while also requiring a hearing adjournment for those who accept representation—might come too late in the process for some potential clients and whether connecting clients to an attorney earlier in the process could reduce the number of people who decline representation.

Figure 7

Pathways of People on the Chicago Detained Docket Who Were Offered MIDA Representation, by Representation Status



Note: A case that is granted withholding of removal is categorized as “Allowed to Remain in the United States.” Unknown outcomes are closed cases that are pending attorney data entry.

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

Prior to being detained, MIDA clients worked in critical sectors and were employed at higher rates than U.S.-born citizens in the four Midwestern states where they reside.

As of May 2024, for every 10 job vacancies in Illinois, there were only nine unemployed people in the labor force.⁶⁸ In the other states where MIDA clients reside—Indiana, Kentucky, and Wisconsin—the shortages are even greater, at only seven, seven, and six unemployed people in the labor force for every 10 job vacancies as of May 2024, respectively.⁶⁹ Immigrants are a crucial part of the workforce, making up 18 percent of the Illinois labor force in 2022—and 11 percent of the labor force across the four Midwestern states combined.⁷⁰ Immigrants, especially noncitizens, in all four states where MIDA clients reside, have a higher employment rate than U.S.-born citizens.⁷¹ MIDA clients are no exception. Among MIDA clients, 68 percent were employed in the 12 months prior to being

detained.⁷² In comparison, 61 percent, 61 percent, 57 percent, and 63 percent of U.S.-born citizens are employed in Illinois, Indiana, Kentucky, and Wisconsin, respectively.⁷³ The majority of MIDA clients worked in three critical sectors: construction (33 percent), food services (14 percent), and manufacturing (15 percent).⁷⁴ In addition, 2 percent of MIDA clients owned businesses in the year before they were detained.⁷⁵ Immigration detention also presents major economic disruptions for families. Of the MIDA clients who were employed, 82 percent were the primary breadwinners for their families.⁷⁶

Immigration detention has radiating impacts on families.

Beyond the economic impacts, immigration detention is immensely disruptive to families in many other ways. As of May 2024, 35 percent of MIDA clients had a spouse or domestic partner living in the United States, and 13 percent of MIDA clients had a spouse or domestic partner who was a U.S. citizen.⁷⁷ Four in 10 MIDA clients (40 percent) lived in a household with children, and one in 10 MIDA clients (9 percent) were the primary caretakers of their children before being detained. Among MIDA clients who had children, 84 percent had children who are U.S. citizens.⁷⁸ Many other MIDA clients who have children (13 percent) lived in households in which there are children with mixed citizenship statuses.⁷⁹

Recommendations for Scaling Up the MIDA Program

The Vera research team developed a model to project the personnel and financial resources needed to expand the MIDA program over the next 10 years. Vera designed this model to provide representation for all eligible people on the Chicago detained docket, and it includes a road map for expansion. There are three considerations that factor into this model: (1) the number and types of cases filed before the court, (2) the availability of attorneys to represent people, and (3) the cost.

From June 2023 to May 2024, the U.S. Department of Homeland Security (DHS) filed 613 notices to appear (NTAs)—legal charging documents summoning noncitizens to appear in immigration court to begin the process of removing them from the United States—for people in detention in the four Midwestern states in which MIDA clients are detained (Illinois, Indiana, Kentucky, and Wisconsin).⁸⁰ As it is impossible to know how the numbers of newly filed cases will trend in the coming years, this model assumes the number of NTAs filed annually in the Chicago detained docket will remain stable at the level of NTAs in the 12 months prior to this report. However, though people are equitably offered MIDA representation on the Chicago detained docket, not everyone accepts it. As shown in Figure 3, among people whose initial Master Calendar Hearings have been observed by MIDA attorneys, 32 percent were found ineligible for MIDA, 24 percent declined MIDA representation, and 44 percent became MIDA clients.⁸¹ Vera assumes that the percentage of ineligible people would remain unchanged going forward at 32 percent, but with community education or programmatic changes, the percentage of people declining representation could be cut in half to 12 percent going forward. Vera thus assumes that a combined 44 percent of people would be ineligible for or decline MIDA representation, if offered, and the remaining 56 percent would become MIDA clients. When projecting the number of new cases that need representation, as well as the number of attorneys and funding needed, Vera only includes cases in which people are expected to be both eligible

for and willing to accept representation if offered. This group is estimated to make up about 56 percent of the total Chicago detained docket. This number—343 people with newly filed cases each year who would need counsel—is represented by the black dashed line on Figure 8.

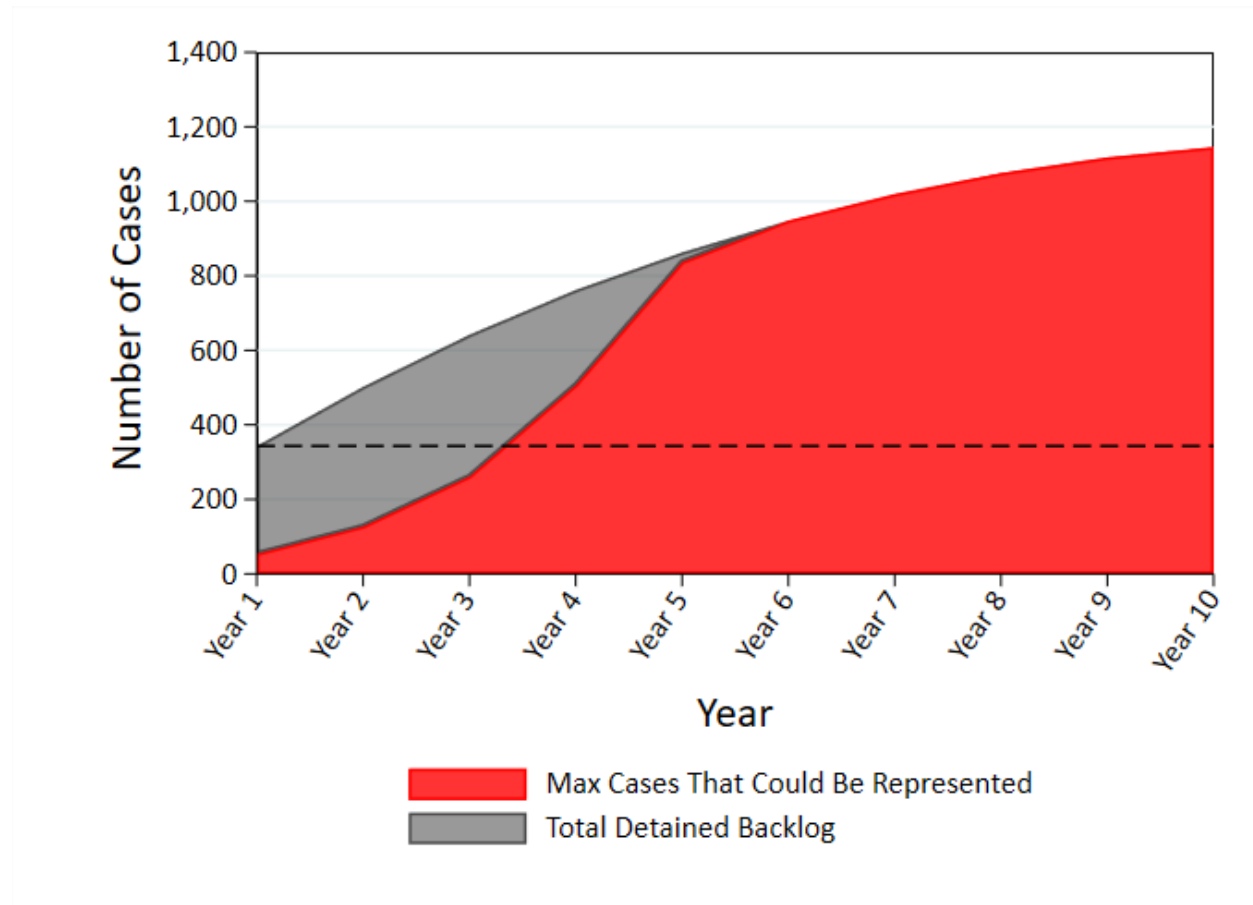
This model is forward-looking. It does not consider the resources it would take to represent the existing backlog pending on the Chicago detained docket as of May 2024, as many of these people’s cases would have passed their initial Master Calendar Hearings and hence would not be eligible for MIDA representation. The gray-shaded area in Figure 8, however, represents the backlog of cases that would build going forward if NTAs remain at current levels. In five years’ time, the number of cases pending and in need of representation would be about 2.5 times the number of newly filed cases, and in 10 years’ time the number of cases pending in need of representation would be roughly triple the number of newly filed cases. This backlog of cases is building as new cases are coming on to the court docket faster than cases are reaching a final decision. In short, this model projects the resources needed to serve both existing MIDA clients and people whose deportation proceedings will begin in the future, excluding cases that are already midway. (For more details about these estimations and projections, see Appendix A.)

It is possible to scale up to reach the entire Chicago detained docket within five years.

In this model, Vera assumes that the number of attorneys working for MIDA would grow by 20 percent each year. The red-shaded area of Figure 8 shows that with proper investment, and scaling by this amount, the MIDA program could expand within five years to represent everyone on the Chicago detained docket who was eligible for and wanted representation. This would also cover the backlog of pending cases that would continue to grow. The investments and the number of attorneys necessary to sustain these caseloads will be discussed in later sections.

Figure 8

The Number of Cases That Could Be Represented by MIDA with Proper Investment Compared to the Backlog on the Chicago Detained Docket over the Next 10 Years



Source: Vera projections based on Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>. Further details are included in Appendix A.

To scale to reach the whole docket, it is necessary to

- prioritize onboarding and training new attorneys early on in MIDA’s expansion,
- invest in scaling legal capacity in the deportation defense field overall,
- expand MIDA to new pools of providers, and
- invest in attorney retention.

Prioritize onboarding and training new attorneys early in MIDA’s expansion.

As the backlog of cases before the Chicago immigration court grows, more attorneys will be needed each year. Recruiting, onboarding, and training immigration attorneys can be a

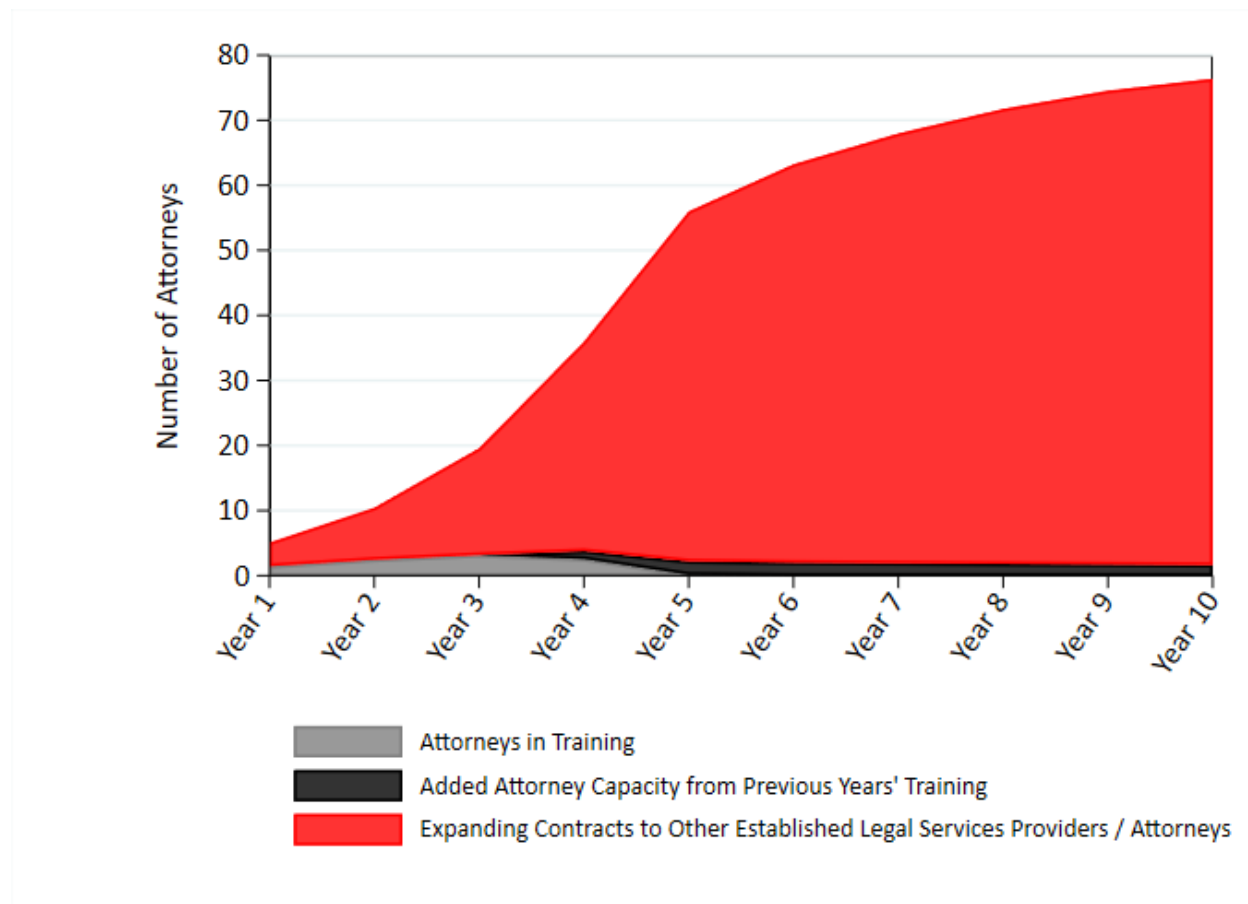
lengthy and resource-intensive process. Legal service providers have stated it can take a year or more to search for and onboard new immigration attorneys. Furthermore, new attorneys typically do not take on a full caseload immediately and must work their way up to representing the same number of clients at the same level of efficiency as seasoned attorneys. Therefore, investing early in the hiring, onboarding, and training of new attorneys will add capacity to MIDA in the long run.

In interviews, MIDA attorneys said they represent between three and eight MIDA clients at a time, on top of caseloads from other funding sources. The number of people represented fluctuates for each attorney, given the nature of how they accept MIDA clients and the time they spend conducting court observations. Most attorneys reported that their caseloads were manageable. When they had more clients than usual, they had the support to handle the extra work and understood that this level of work would typically be followed by a period with fewer cases. In this model for projecting resources, Vera uses a projected caseload of 15 total cases per fully trained attorney at any given time—and 10 to 12 cases for less-experienced attorneys—as an ideal caseload as the program scales. The model assumes that lawyers would focus exclusively on these caseloads rather than balancing detained caseloads alongside those from other funding sources or program intake models.

Using these caseload numbers, Figure 9 shows the number of attorneys MIDA would need at full capacity to reach the maximum detained cases that could be represented in Figure 8 over the next 10 years. Figure 9 shows that MIDA will need 56 attorneys carrying full MIDA client caseloads (as well as corresponding supporting legal teams) to reach the growing pending caseload on the Chicago detained docket in five years, and 76 attorneys carrying full MIDA caseloads to represent everyone in 10 years, assuming the number of NTAs filed each year remains at current levels. These figures include only practicing attorneys, not managing attorneys. In a later section, Vera recommends legal team staffing—including managing attorneys—that should support each practicing attorney. The gray-shaded section in Figure 9 shows the number of attorneys that should be newly hired early on to add capacity to the field. The black-shaded section shows the added capacity of these newly trained attorneys over the next 10 years. As shown in Figure 9, an early investment in recruiting and onboarding new attorneys can add more capacity to the program in the long run.

Figure 9

The Number of Deportation Defense Attorneys Needed as MIDA Scales Up over the Next 10 Years



Note: “Attorneys in Training” includes attorneys in their year of recruitment or their first or second full year of employment. Only the number of practicing attorneys, not including managing attorneys, is included in this figure. Thus, of the lawyers available, we assume that 20 percent are managing attorneys. Only estimated non-managing attorneys are included in the graph. Totals including managing attorneys would be 25 percent higher. Source: American Bar Association, American Immigration Lawyers Association, Kerwin and Millet (2022). Further details are included in Appendix B.

Invest in scaling legal capacity in the deportation defense field overall.

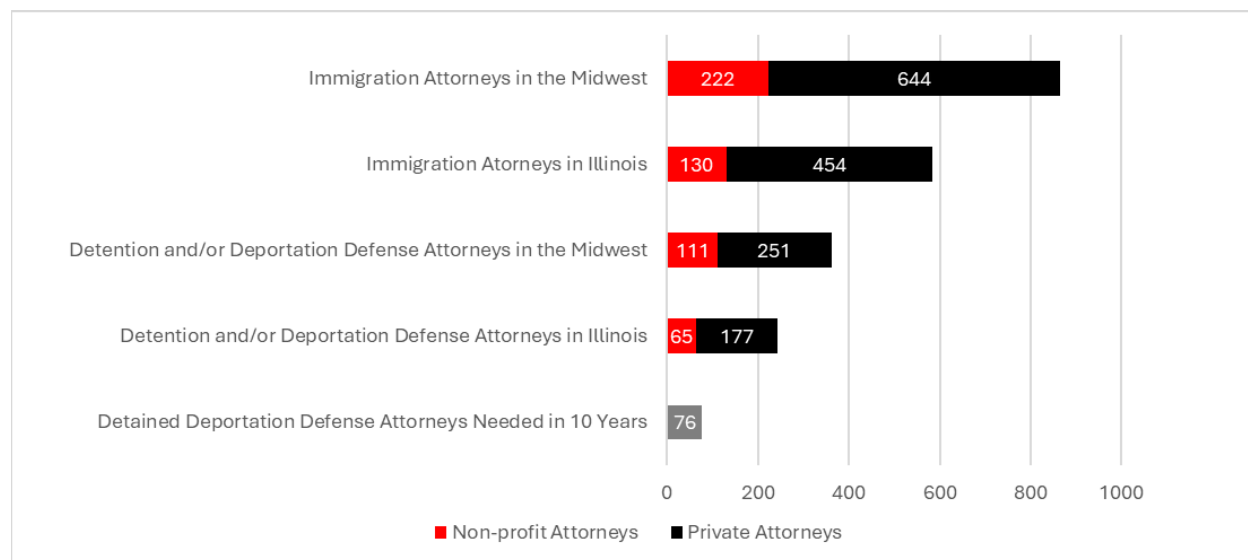
Despite the relatively high number of lawyers in Illinois, the number of immigration lawyers is low and the number who practice deportation defense is even lower. According to the American Bar Association National Lawyer Population Survey, Illinois has the fifth highest number of lawyers of any state, at 62,201 as of 2023.⁸² Using population statistics from the U.S. Census Bureau from 2022, Illinois also has the fourth most lawyers per capita, with 4.9 lawyers per every 1,000 people.⁸³ The other Midwestern states with clients represented by

MIDA attorneys do not have the same density of lawyers, with Indiana, Kentucky, and Wisconsin having just 2.3, 3.0, and 2.6 lawyers per capita respectively, ranking 44th, 23rd, and 35th across the United States in legal capacity.⁸⁴

Although the need for representation in other types of deportation cases, such as non-detained cases and unaccompanied children’s cases, has been increasing, the available legal capacity for deportation defense—including for detained cases—has not been able to keep pace with this growing need. Among lawyers who practice deportation defense, some—including MIDA attorneys—provide services to people in immigration detention. Others serve children and people with deportation cases who are not detained. There is not sufficient legal capacity to ensure representation for everyone in need of deportation defense in the Chicago immigration court. As a result, the staffing available to extend representation to everyone on the detained docket is limited due to a lack of attorneys and the additional demand for deportation defense for people who are not detained. Attorneys make trade-off decisions about the types of cases they take on, and they may consider other factors such as their clients’ vulnerabilities, the imminence of deportation, available funding and restrictions, and the overall number of people needing representation in immigration court. The pressure to do more with limited resources is a prevailing sentiment among deportation defense attorneys.⁸⁵

Figure 10

Landscape of Available Immigration Attorneys in Illinois and the Midwest Compared to Needed Attorneys



Note: The Midwest in this graph includes states where Midwest Immigrant Defenders Alliance clients are detained (Illinois, Indiana, Kentucky, and Wisconsin). Only the estimated number of practicing attorneys, not including managing attorneys, is included in this figure. The legal team structure used in this model assigns one managing attorney for every four practicing attorneys. Managing attorneys, with supervisory responsibilities, do not carry a full caseload. Thus, of the lawyers available, we assume that 20 percent are managing attorneys. Only estimated non-managing attorneys are included in the graph. Totals including managing attorneys would be 25 percent higher.

Source: American Bar Association, American Immigration Lawyers Association, Kerwin and Millet (2022). Further details are included in Appendix B.

Given these constraints on staffing, investments in measures to help programs recruit, retain, and train legal services teams can help to build up the workforce needed to fill the gaps in legal representation needs. Figure 10 shows that even if all the deportation defense attorneys at nonprofit legal service providers in Illinois represented only detained cases, they still could not meet the demand for representation within 10 years. Dedicated funding is a long-term solution to build the legal resources needed to handle all pending cases. This approach recognizes that the same pool of deportation defense lawyers is needed to serve all people in immigration court—not just people in immigration detention. The importance of such investments is increasingly gaining recognition. In July 2024, Congressman Robert Garcia introduced the SHIELD (Securing Help for Immigrants through Education and Legal Development) Act, which would create a grant program to support the recruitment, training, retention, and development of staff and resources for immigrant legal defenders.⁸⁶ The act also aims to invest in infrastructure to encourage more attorneys to enter the field of deportation defense.⁸⁷ This could include funding for local law clinics or fellowship programs focused on deportation defense.

Another way to expand capacity for deportation defense is by retraining existing immigration lawyers to represent people in detention and/or practice deportation defense who do not already do so. There are an estimated 242 practicing detention/deportation defense attorneys in Illinois (65 nonprofit and 177 private attorneys). However, many immigration attorneys do not specialize in detention or deportation defense. There are an estimated 584 practicing immigration attorneys who practice *any* area of immigration law in Illinois (130 nonprofit and 454 private attorneys, of whom 65 nonprofit and 277 private attorneys practice areas of immigration law besides detention or deportation defense). Expanding deportation defense training to this pool of immigration attorneys could more than double the personnel available for detention and deportation defense.

Expand MIDA to new pools of providers.

As explained in the previous section, there are not enough attorneys who practice detained deportation defense working for nonprofit organizations in Illinois to provide representation to all people in immigration detention who need representation. Therefore, the MIDA program must expand to employ new pools of attorneys. First, MIDA should expand to additional nonprofit legal service providers in Illinois and, proportional to need, across other Midwestern states where MIDA clients are detained (Indiana, Kentucky, and Wisconsin). To accomplish this, MIDA should engage legal service providers in other Midwestern states. Second, MIDA should determine how to engage private attorneys and DOJ-accredited representatives.

Additional pools of attorneys are necessary to reach more people in need of representation on Chicago’s detained docket. This expansion requires orientation and training for newly added legal teams that may be unfamiliar with the universal representation model. Some attorneys may be used to selecting cases based on the perceived likelihood of success, specific types of legal claims, or familiarity with certain demographic characteristics, but the universal representation model ensures access to representation without regard to any individual characteristics. Engagements with new pools of attorneys should be managed

carefully to provide training in universal representation and ensure new legal teams have the skills required to advance MIDA's model.

1. Fund nonprofit legal service providers in Illinois and across the Midwest.

Figure 10 shows that there are not enough attorneys working for nonprofit legal service providers who practice detention and/or deportation defense in Illinois to scale MIDA to meet the demand for detained deportation defense. In Illinois, Vera estimates that there is an estimated upper bound of 65 nonprofit detention and/or deportation defense attorneys, but to represent all eligible people in detention who want legal counsel before the Chicago immigration court 75 attorneys would need to be working at full capacity. Moreover, these same attorneys would need to provide deportation defense to many other people, including unaccompanied children, families, and adults whose cases do not begin in immigration detention.

To expand MIDA, Illinois and other funders of detained deportation defense in the Chicago immigration court should fund nonprofit legal service providers within Illinois and the other Midwestern states where MIDA clients are detained (Indiana, Kentucky, and Wisconsin). MIDA program funders should not differentiate between in-state and out-of-state legal service providers, as there is not sufficient legal capacity within the state to meet the overall representation needs of people before the Chicago detained docket. Figure 10 shows that the pool of detention and/or deportation defense attorneys in the Midwest is substantially larger than the pool of detention and/or deportation defense attorneys in Illinois alone, and contracting with out-of-state legal service providers could both expand the number of people before the Chicago immigration court who receive legal representation and allow legal counsel to be located closer to their clients. Of the 111 nonprofit detention/deportation defense attorneys across the four Midwestern states in which MIDA works, 46 are outside Illinois. Allowing out-of-state legal service providers to work with clients in the Chicago immigration court would increase the pool of nonprofit detention/deportation defense attorneys by 71 percent.

2. Consider the role of the private bar in Illinois and the Midwest in expanding access to representation.

Members of the private bar have notable detained deportation defense expertise, which may help ensure that all people on Chicago's detained immigration court docket have representation. Figure 10 shows that there are 251 private detention and/or deportation defense attorneys in the Midwest, including 177 in Illinois, who could help support MIDA. Expanding to contract with privately practicing detention and/or deportation defense attorneys could more than double the number of attorneys available to provide deportation defense. However, some of these attorneys may already have full caseloads representing non-MIDA clients.

3. Consider the use of DOJ-accredited representatives for representation in immigration court.

DOJ has an accreditation program for trained non-attorneys within recognized nonprofit organizations to provide legal services to immigrants. There are two types of

representatives: (1) partially accredited representatives, who assist with preparing immigration forms, providing legal advice, and representing clients before DHS, but not in immigration court or for appeals; and (2) fully accredited representatives, who can represent clients before DHS and in immigration court, including in deportation proceedings, as well as before the Board of Immigration Appeals. As of May 2024, there were only nine fully accredited representatives in Illinois, and four, one, and zero in Indiana, Kentucky, and Wisconsin, respectively. However, there were substantially more partially accredited representatives: 106 in Illinois and 37, 11, and 21 across the other three states, respectively.⁸⁸ Expanding MIDA to use DOJ-accredited representatives and investing in DOJ accreditation programs, especially those that could retrain partially accredited representatives to become fully accredited representatives, would add substantial legal capacity for deportation defense to the field.

Invest in attorney retention.

The majority of MIDA attorneys interviewed stated that the biggest challenge they face is burnout. The cases they handle often involve emotionally challenging topics. Although attorneys mentioned using coping strategies including therapy, the emotional toll still impacts their ability to stay in the field long-term. Some attorneys mentioned that even when cases go well or their working relationships with the courts are positive, other parts of the system, such as detention centers and ICE, are overwhelming. In addition to seeing the negative impacts of detention on their clients, some attorneys expressed frustration with ICE detention centers and their administrators about the difficulties of communicating with clients about their cases. Some attorneys feel that, despite their efforts and the positive outcomes they may achieve, systemic issues must be addressed to lessen the impact of detention on immigrant communities. As one attorney mentioned:

I love it. I love my job. I love the casework. I love the clients. I love the people, the other attorneys, paralegals, and support staff that I get to work with. But then of course I hate the system I have to work with.

Retention challenges also impact those who stay and continue the work, as they are charged with covering for existing clients and training new staff. Investments in attorney retention can minimize these turnover challenges. This model assumes a 93 percent retention rate for deportation defense attorneys. Vera estimates that half those who leave their jobs each year would remain in the field and move to another organization, while the other half would leave the field entirely. However, those attrition rates may be optimistic. Immigration attorneys face high levels of burnout, trauma, and turnover. According to one study, asylum attorneys report levels of burnout and secondary traumatic stress at higher levels than immigration judges, social workers, hospital doctors, nurses, and prison wardens.⁸⁹ Many attorneys feel moral injury from participating in a system that many describe as harmful, using words like “violent,” “racist,” and “oppressive” to describe the system.⁹⁰ Some feel complicit or culpable when their clients’ cases result in deportation.⁹¹ Attorneys expressed secondary trauma through engaging with clients’ pain.⁹² Finally, because the need for representation is great and resources are limited, immigration attorneys feel a constant pressure to do more.⁹³ All of these factors lead to burnout. With limited entry into the profession each year, investing in attorney retention is vital for MIDA’s success.

Having a reasonable caseload and supportive legal team structure is important to attorney retention.⁹⁴ To project capacity needs and potential cases served, Vera’s model assumes that the maximum caseload of a MIDA attorney who is fully trained is 15 cases at any given time. The actual number of cases served may vary due to the complexities of a given case. Furthermore, the length of a case is not fixed and may take more than one year, and attorneys should maintain their relationships with their clients from initial Master Calendar Hearings through all potential appeals. Therefore, the count of 15 cases is “15 at any given time” as opposed to “15 cases in a year.”

Vera factors into the projections the costs of staffing legal service providers with the appropriate legal team structures to retain staff. This model uses a legal team structure of one managing attorney for every four attorneys, three paralegals or legal assistants for every 10 attorneys, and one social worker for every two attorneys. Though MIDA organizations may not have these staffing structures yet, it is important to consider actual staffing needs when projecting the level of investment needed to support attorneys, prevent burnout, and retain staff. (For more details, see Appendix C.)

Cost Considerations

Illinois currently allocates \$25.3 million for immigration legal services and related areas of work in Cook County and Chicago, but because of the breadth of work included under “immigration legal services”—which ranges from assistance applying for work permits to Know Your Rights presentations to full-scale detained deportation defense—these funds are insufficient to cover full representation for everyone in need.⁹⁵ The major funding sources for immigration legal services in Illinois are the Illinois Access to Justice Funding (ILAJ) with a \$12.5 million immigration services 2024 budget; the New Americans Initiative with an \$8 million annual budget; and Legal Assistance to Southwest Border Arrivals, which provides \$13 million to immigration legal service providers to assist newly arrived immigrants with applications and other matters.⁹⁶ ILAJ, described previously, provides some funding for deportation defense, though it comes with limitations—namely, it is restricted to Illinois residents after their release from detention.⁹⁷ There are several other sources of funding for legal representation in the Chicago immigration court, including from Chicago’s Legal Protection Fund, the Cook County Board of Commissioners, the DOJ, and the U.S. Office of Refugee Resettlement, though these funding sources have not been enough to meet the need for deportation defense.⁹⁸ To meet this need, MIDA will need more funding. In addition to public funding, private philanthropy has proven to be an effective tool to catalyze public investments and scale programs.⁹⁹

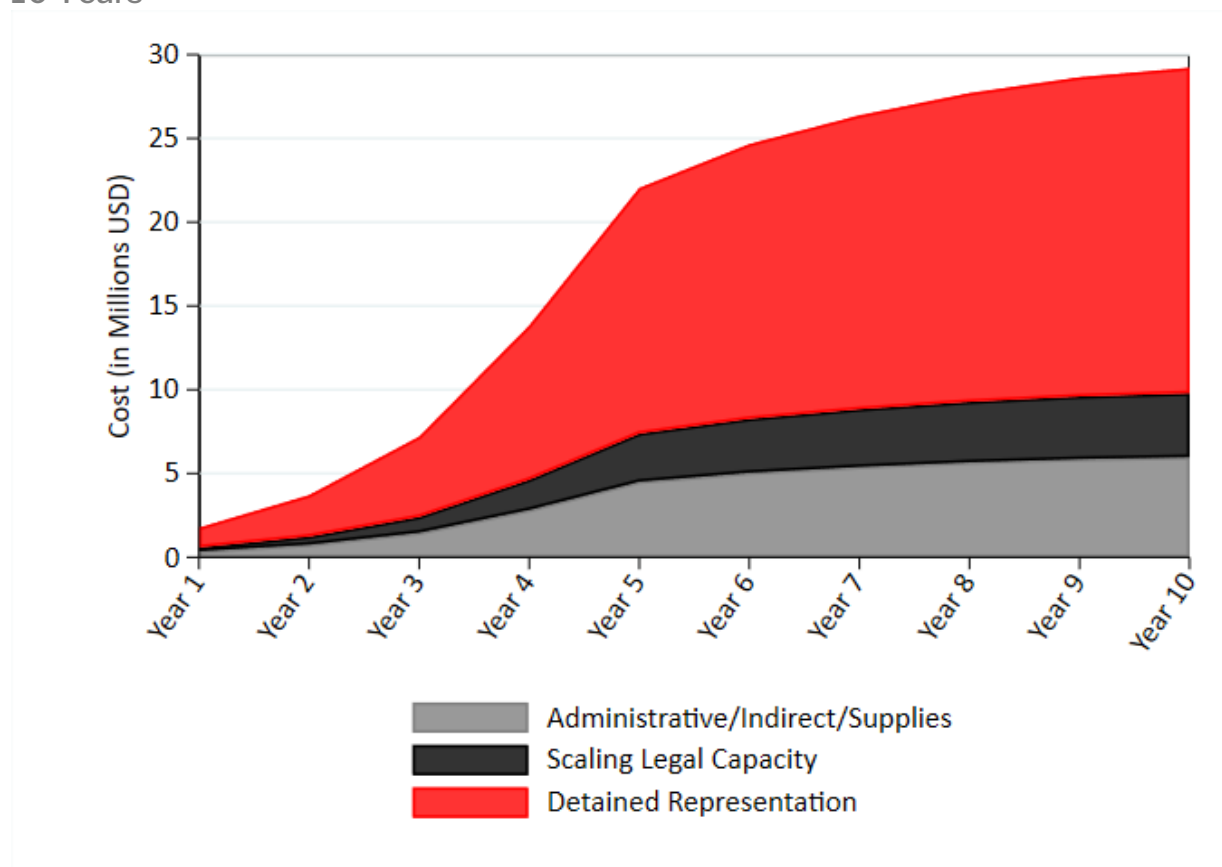
Building on the road map for expanding the MIDA model, Vera projects needed investments for detained deportation defense in the Chicago immigration court to include direct representation costs to reach the growing number of cases; administrative, indirect, and supplies costs for MIDA organizations; and investments to increase legal capacity. This model also accounts for the changing caseloads of detained, non-detained, and unaccompanied children’s cases in the Midwest region, as well as the demand for representation, which limits overall legal capacity.

To ensure its investment projections are accurate, Vera gathered financial data from the MIDA organizations, including salaries for both new and experienced attorneys and staff, fringe benefits, indirect costs, and more. Vera averaged the financial data from the MIDA providers to inform the cost projections. It is important to note that nonprofit immigration attorneys are paid on average less than their counterparts at private law firms.¹⁰⁰ Though this cost model is flexible and can be adjusted for changes in inputs, it is based on current nonprofit salaries. (For further details on these metrics, see Appendix C.)

To expand MIDA to represent all people on the Chicago detained docket, a significant scaling of investment is needed over the next 10 years. Figure 11 shows the funding levels that MIDA would need annually to reach the year-by-year levels of maximum detained cases represented indicated in Figure 8. To reach all cases on the docket in the first five years of programmatic scaling, MIDA's annual funding level would need to gradually increase from \$1.6 million to \$22 million. In the next five years, the funding level would need to increase (though at a slower rate) to \$29.2 million as the backlog continues to grow and MIDA needs more lawyers to continue to represent all eligible clients who accept representation.

Figure 11

The Funding Allocation for the Investment Needed to Scale Up MIDA over the Next 10 Years



Source: Several data sources were used to create these projections. Further details are included in Appendix C.

Figure 11 also shows the recommended funding by year for scaling up. It breaks down the costs into three main buckets: costs of direct representation for people in immigration; program administration and indirect costs; and costs of scaling legal capacity.

Considering direct representation costs, Figure 11 shows, for example, at the five-year and 10-year marks Vera estimates MIDA would need \$19.1 million and \$25.4 million, respectively, for direct representation of people in immigration detention. These costs include the salaries for all the legal personnel necessary to staff a case, such as managing attorneys, practicing attorneys, paralegals and legal assistants, and social workers. (See the legal team structures described previously in the section “Invest in attorney retention” and in Appendix C, Table C3. For further details about salaries, merit increases, and legal team structures, also see Appendix C.)

Considering administrative/indirect costs, this model, using data averaged from the MIDA organizations, first includes a 12.5 percent indirect cost rate on top of direct representation costs for direct service providers. This rate might include the salaries of other staff members such as administrators, data entry clerks, country experts, or consultants as needed. The model, also using MIDA organizations’ input, includes an additional 8.3 percent on top of direct representation costs for supplies, training materials, and other resources. In addition to the funds for the legal service providers directly, as the program grows, MIDA will also need to employ a program administrator. Vera assumes the cost of administering the program will be an additional 10 percent. Vera combined the program administration costs and implementing organizations’ indirect and supplies/training costs (for a total of 30.8 percent on top of the direct representation costs), with the result shown in the gray-shaded region of Figure 11. (For further details on associated costs, see Appendix C.)

Considering the costs of scaling legal capacity, an additional 15 percent on top of the funding allocated for direct representation, program administration, and indirect costs to be used for scaling legal capacity for deportation defense is recommended. This funding could be used to improve attorney retention; assist with the search for and onboarding and training of new attorneys; and invest in infrastructure to encourage more attorneys to enter the field of deportation defense.

Looking Forward

The analyses in this Year Two interim report lay the groundwork for a critical yet missing piece of evidence: the true impact of universal representation on people’s case outcomes if MIDA offered representation to everyone. The final results of the three-year evaluation—which will be completed in 2025—will be the first study of its kind to produce a *causal* analysis of the impact of a universal representation model on immigration court outcomes. The results of this study, which will measure the impact of universal representation on people’s release from custody, case outcomes, and more, will be a building block for future studies, including analyses of the radiating impacts of MIDA and similar programs on economies and communities.

Appendix A – Projecting the Number of People in Need of MIDA Representation over a 10-Year Horizon

Vera used data from the U.S. Department of Justice Executive Office for Immigration Review (EOIR) Case database to sum the number of notices to appear (NTAs) filed each month for the 12 months preceding the data cutoff date for this report (June 2023 to May 2024) across the four Midwest Immigrant Defenders Alliance (MIDA) states—Illinois, Indiana, Kentucky, and Wisconsin. Vera used the field “immigrant state” in the EOIR Case data. This variable indicates the immigrant’s indicated state of residence, which may sometimes be the person’s last state of residence or often the state where the person is detained, as opposed to the state in which the immigration court hearing for their case is located. This information is contained in the variable “immigration court state,” and should be “Illinois” for everyone on the Chicago detained docket. Vera made this decision because this model takes into account the use of immigration attorneys—including private attorneys—across different Midwestern states in the expansion of MIDA. In that scenario, it would be better to understand where people are actually located and try to match attorneys to clients in their geographical areas. There were 613 new detained NTAs filed across these four states from June 2023 to May 2024. A person is counted if they are in immigration detention when their NTA is filed, and hence when their immigration proceedings began. This is the figure Vera used as the benchmark number for new cases filed annually before the Chicago detained docket in the 10-year projection.

Of the projected 613 new NTAs that would be filed each year for people in immigration detention, an estimated 343 people would accept MIDA representation. As stated in the report, among people whose initial Master Calendar Hearings MIDA attorneys observed, 32 percent were found ineligible, 24 percent declined MIDA representation, and 44 percent became MIDA clients. Vera assumed that the share of ineligible would remain unchanged going forward at 32 percent but, with community education or programmatic changes, the rate of declining representation could be cut in half to 12 percent going forward. Therefore, Vera assumed that a combined 44 percent of people would be ineligible for or decline MIDA representation, if offered, and the remaining 56 percent would become MIDA clients. Using this figure, of the 613 NTAs assumed to be filed each year going forward, an estimated 343 people with newly filed cases each year would be in need of and eligible for MIDA representation and accept it if offered.

The annual need for representation would grow over time as the backlog builds. This model does not account for the legal personnel required to represent the existing backlog, but rather is forward-looking to account for the need for representation for the increasing number of pending cases that would build as cases are added to the docket faster than they are closed off of it. Vera used EOIR Case data on the number of NTAs filed per month from January 2018 to May 2024 and the number of cases filed each month that had been closed by the data cutoff date (May 2024) to run state-specific linear regression models that predict the share of cases filed in a given month that will be closed based on the number of months since their filing and the number of other NTAs filed in the same month. Assuming this is the number of NTAs filed in each subsequent 12-month period, Vera then used these state-specific coefficients and constant terms generated from the linear regressions to linearly project the share of NTAs filed in a given month that should close after one month,

two months, and so on, if the number of NTAs assumed to be filed that month is fixed at current levels. Conversely, by projecting how many cases will close, Vera can also project the difference—or how many will remain open each month. Vera understands that the length of time passing and number of simultaneous arrivals are not the only factors that affect how long it takes to close a case. However, researchers included these two factors in the regression simply to gain a basic understanding of how they might affect case closure times and to make an approximation. Vera used the point estimates from these linear regressions to project the backlogs that would build each month in each of the four MIDA states. The resulting backlog is presented in Figure 8.

Appendix B – Measuring Legal Capacity

To measure legal capacity, Vera attempted to understand the landscape of existing immigration attorneys. Vera began by compiling estimates of the number of immigration attorneys across the four states in which Midwest Immigrant Defenders Alliance (MIDA) clients are detained (Illinois, Indiana, Kentucky, and Wisconsin). Vera considered both attorneys who work at nonprofit legal service providers and those in private practice. Second, Vera estimated the number of immigration attorneys working in deportation defense. In this model, Vera assumed that as the program grows and capacity constraints become an issue, working with deportation defense attorneys across the four states—and pairing attorneys in the four states with clients who are detained within their states—is optimal.

First, to get an estimate of the number of private immigration attorneys across the four states, Vera counted the number of lawyers who are members of the American Immigration Lawyers Association (AILA) and listed in its online directory, by U.S. state. Not all immigration attorneys are AILA members, and not all AILA members are listed in its directory. In order to be included in its online directory, an attorney must

- be a licensed lawyer in good standing in at least one state,
- have been a member of AILA for two years or more,
- have professional liability insurance coverage of \$100,000 or more, and
- have taken at least nine hours of classes in the past year to help them stay up to date on immigration law.¹⁰¹

Some attorneys appear more than once in the directory across multiple firms, so Vera first removed duplicates. As of May 2024, there were 210 immigration lawyers in Illinois listed in AILA's directory, 41 in Indiana, 21 in Kentucky, and 28 in Wisconsin. However, the number of AILA members in the Chicago chapter is estimated to be much higher, at approximately 800 people.¹⁰² Therefore, assuming only the 210 attorneys from Illinois are part of the Chicago AILA chapter, the directory only captures approximately one-fourth (26 percent) of the private immigration attorneys in Chicago. Therefore, Vera adjusted the number of private immigration attorneys in each state by multiplying by $800/210 = 3.81$. The AILA directory also displays attorneys' subfocus areas. Vera obtained the directory sublists by state of the number of immigration attorneys who practice detention and/or deportation defense and combined them, removing duplicates for people who practice both. Vera found a total of 82 detention and/or deportation defense AILA attorneys in the directory in Illinois, 15 in Indiana, six in Kentucky, and 11 in Wisconsin. Vera multiplied all these values by 3.81. Vera made the conservative choice not to make any further adjustments to account for private attorneys who are not AILA members.

To estimate the number of immigration attorneys by U.S. state who work at nonprofit legal service providers, Vera began with data from Kerwin and Millet (2022).¹⁰³ The authors combined data obtained from the Immigrants Advocates Network (IAN) and Catholic Legal Immigration Network, Inc. (CLINIC) on the number of charitable legal service providers disaggregated by U.S. state.¹⁰⁴ The IAN directory was updated to March 2022, and the CLINIC directory data went through September 2021.¹⁰⁵ The study found that there were

130 immigration attorneys practicing at organizations within these networks in Illinois, 21 in Indiana, 56 in Kentucky, and 16 in Wisconsin.¹⁰⁶ Vera made some adjustments to these numbers when counting existing legal capacity. First, it is possible that the IAN and CLINIC directories did not include some charitable legal service providers. Vera believes the majority of nonprofit legal service providers belong to one of these two networks, but researchers created an upper bound for the number of nonprofit immigration attorneys by increasing these numbers by an assumed 25 percent.

However, these counts from the Kerwin and Millet (2022) paper include all immigration attorneys, not just those practicing deportation defense. Nationally, 39 percent of AILA immigration attorneys registered in its directory practiced detention or deportation defense work. It is reasonable to believe that a relatively higher share of nonprofit legal service providers practice in these areas of work. Thus, Vera assumed for this model that half the immigration attorneys within these two networks (IAN and CLINIC) practice detention and/or deportation defense. These numbers of immigration attorneys and estimated detention and/or deportation attorneys from nonprofit organizations are a few years old. It is probable that the number of attorneys working in these fields has grown, especially with growing need in immigration courts and a documented increase in the number of people represented nationwide.¹⁰⁷ According to data from the American Bar Association, the number of civil legal aid organizations with funding from the Legal Services Corporation, an independent congressionally funded nonprofit group, grew 8.15 percent nationally (from 6,049 attorneys to 6,542 attorneys) from 2020 to 2022.¹⁰⁸ Vera assumed this growth rate was the same for the following two years and comparable for immigration attorneys in particular. Vera increased the numbers of nonprofit and deportation defense/detention attorneys further by 8.15 percent.

Finally, Vera recommends a legal team structure of one managing attorney for every four practicing attorneys. Therefore, to ensure there would be enough capacity for attorney supervision, Vera reduced the number of existing attorneys by 20 percent. These existing capacity figures, with all the adjustments, are presented in Figure 10.

To estimate how many attorneys are needed and how to hire and scale up, Vera used a dynamic model that reacts to changing caseloads of different types of cases before the Chicago immigration court. This model allows for more prioritization of certain types of cases over others—such as detained cases over non-detained cases, which have various funding restrictions.

Besides hiring existing attorneys, Vera also considered the possibility of hiring newly graduated attorneys and training them to work in detention and/or deportation defense. To understand how many newly graduated attorneys may potentially enter the field of deportation defense each year, Vera collected data from the National Conference of Bar Examiners on the number of people who passed the bar by U.S. state in 2023 (combining February and July exam numbers).¹⁰⁹ After making all the described adjustments to the counts of detention and/or deportation defense attorneys to the national figures, Vera found that there were approximately 5,487 detention and/or deportation defense attorneys (both nonprofit and private) nationally as of 2024. According to the American Bar Association, there were 1,331,290 total attorneys across the country in 2023.¹¹⁰ Therefore, of attorneys nationally, approximately 0.41 percent work in detention and/or deportation

defense. Thus, to estimate how many new graduates each year may enter the field of deportation defense, Vera multiplied the number of 2023 annual bar passers in each of the MIDA states by 0.41 percent. Vera considered the resulting figures to be the number of new entrants to the deportation defense field of immigration law each year.

In estimating the number of attorneys needed to be hired, trained, and working for MIDA each year, displayed in Figure 9, Vera assumed that newly hired lawyers only observe, shadow, onboard, and train in the remainder of the calendar year in which they are recruited and hired. Vera assumed new attorneys would serve 10 clients in their first full calendar year of work, 11 to 12 clients in their second full year, and then carry a full caseload of 15 clients.

Appendix C – Metrics and Projections of Programmatic Costs

The following four tables contain metrics that Vera fed into the cost model to project programmatic costs. The metrics in Table C1 and some of the metrics in Table C4 represent the averages of Midwest Immigrant Defenders Alliance (MIDA) organizations’ operational costs, which Vera collected from MIDA staff from May 2024 to June 2024. Nonprofit salaries for organizations providing immigration legal services are often lower than they should be.¹¹¹ Nonprofit immigration attorneys are paid on average less than their counterparts at private law firms.¹¹² Nevertheless, the metrics and the cost projections in the main report use the operational costs as they were at the time this report was written. According to the American Bar Association’s Ten Pillars of Public Defense Delivery System, when dedicated public defense offices are supplemented by public defense providers (or the parallel being private bar attorneys who would take on MIDA cases) to handle excess cases, their compensation should equal the compensation provided for other public interest attorneys (or nonprofit MIDA attorneys).¹¹³ The compensation for these public (immigration) defenders should equal the compensation of full-time government-funded immigration prosecutors and be reasonable, including not only the cost of the direct work but also the associated overhead costs.

Table C1

Salaries of Legal Personnel

| Staff | Average Salary | Salary of New Hire (with No Years of Experience) |
|---------------------------|----------------|--|
| Practicing attorney | \$84,000 | \$65,000 |
| Managing attorney | \$123,000 | N/A |
| Paralegal/Legal assistant | \$65,000 | \$55,000 |
| Social worker | \$68,000 | \$67,000 |

Source: Data on operational costs was collected from the Midwest Immigrant Defenders Alliance organizations, averaged, and rounded to the nearest thousand.

Table C2

Merit/Cost-of-Living Annual Salary Increases of Legal Personnel, by Years of Experience

| Staff | Junior Position (Years 1–5) | Senior Position (Years 6–10) |
|---------------------------|-----------------------------|------------------------------|
| Practicing attorney | 3.67% | 4.95% |
| Managing attorney | N/A | 4.95% |
| Paralegal/Legal assistant | 4.56% | 3.68% |
| Social worker | 4.56% | 3.68% |

Note: Annual merit increases are assumed to be granted annually until a person leaves their job. Merit increases were extrapolated using data from the American Immigration Lawyers Association (AILA) on salary by years of experience for different legal staff working in asylum law.

Source: AILA, *The AILA Marketplace Study 2022* (Washington, DC: AILA, 2022), <https://anywhere.aila.org/files/o-files/view-file/74E63D19-F00D-45B0-9779-4ECB6B18B6E1/Marketplace-Study-2022.pdf>.

Table C3

Legal Team Structure

| Staff | Number of Staff for Every 10 Practicing Attorneys |
|-----------------------------|---|
| Managing attorneys | 2 to 3 (2.5 exactly) |
| Paralegals/Legal assistants | 3 |
| Social workers | 5 |

Note: These assumptions made by Vera, in consultation with various legal service providers nationally.

Table C4

Other Associated Costs

| Cost | Percentage of Direct Representation Costs |
|--|---|
| Fringe benefits | 23.7% |
| Indirect costs for legal service providers | 12.5% |
| Office supplies and training materials | 8.3% |
| Cost of external program administrator | 10.0% |

Source: Data on operational costs was collected from the Midwest Immigrant Defenders Alliance organizations and averaged. The cost of an external program administrator is an assumption made by Vera researchers.

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About citations

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Endnotes

¹ Ingrid V. Eagly and Steven Shafer, “A National Study of Access to Counsel in Immigration Court,” *University of Pennsylvania Law Review* 164, no. 1 (2015), 1–91, 54–58, <https://ssrn.com/abstract=2581161>; Northern California Collaborative for Immigrant Justice, *Access to Justice for Immigrant Families and Communities: Study of Legal Representation of Detained Immigrants in Northern California* (Palo Alto, CA: Northern California Collaborative for Immigrant Justice, 2014), 18, 24, <https://perma.cc/P5YK-KBDS>.

² Jennifer Stave, Peter Markowitz, Karen Berberich, et al., *Evaluation of the New York Immigrant Family Unity Project: Assessing the Impact of Legal Representation on Family and Community Unity* (New York: Vera Institute of Justice, 2017), <https://vera-institute.files.svcdcdn.com/production/downloads/publications/new-york-immigrant-family-unity-project-evaluation.pdf>.

³ Jacquelyn Pavilon, Neil Agarwal, Rosie Wang, and Pierina Hernandez Luperdi, *Evaluating the Impact of the Midwest Immigrant Defenders Alliance* (New York: Vera Institute of Justice, 2024), 10–11, <https://www.vera.org/publications/evaluating-the-impact-of-the-midwest-immigrant-defenders-alliance>.

⁴ Measuring the number of pending detained cases in six-month blocks, there were 502 from June 2022 to November 2022, 498 from December 2022 to May 2023, 484 from June 2023 to November 2023, and 558 from December 2023 to May 2024. Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database on file at Vera (New York: Vera Institute of Justice, May 31, 2024); and Executive Office for

Immigration Review (EOIR), “FOIA Library,” EOIR Case Data, May 2024, <https://www.justice.gov/eoir/foia-library-0>.

⁵ EOIR, “FOIA Library,” 2024.

⁶ Since the inception of the Midwest Immigrants Defenders Alliance (MIDA), the representation rate for people with cases pending on the Chicago detained docket has hovered from 47 to 51 percent. EOIR, “FOIA Library,” 2024.

⁷ From December 2021 to May 2024, in each six-month period (for example December 2021 to May 2022, June 2022 to November 2022, etc.) from 4.3 to 20.2 percent of people on the Chicago detained docket were MIDA clients. MIDA attorneys also represent some non-MIDA clients who are not considered part of the MIDA program because they were taken on through a different intake model or at different points in their cases (in other words, not at their initial Master Calendar Hearings). When including these non-MIDA clients, MIDA attorneys are representing an even larger share of the Chicago detained docket. Vera, “Safety and Fairness for Everyone,” 2024; and EOIR, “FOIA Library,” 2024.

⁸ Vera, “Safety and Fairness for Everyone,” 2024.

⁹ Vera calculates the share of people offered representation who became MIDA clients as the number of MIDA clients divided by the sum of the number of MIDA clients and the number of people who declined MIDA representation. In other words, people who are found ineligible for MIDA—or who already have non-MIDA representation at the initial Master Calendar Hearing or are otherwise ineligible post-intake—are removed from the denominator total. Many people refused to accept screenings with MIDA attorneys and proceeded with their initial Master Calendar Hearings unrepresented. Therefore, MIDA attorneys and Vera researchers do not know whether they would have met all the eligibility requirements for MIDA. MIDA attorneys observed the initial Master Calendar Hearings of 462 people, of whom 148 already had non-MIDA representation (145 people) or were otherwise ineligible (three people), 109 declined representation, and 205 became MIDA clients. The percentage $(205) / (205 + 109) = 0.65$ is presented as “two in three.” Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024. The court provided weekly schedules for the Chicago detained docket, including hearing types and personally identifiable information for people with hearings scheduled for that week. The docket lists constitute public records only.

¹⁰ The 91 percent who received full-scope representation includes 163 of the 205 MIDA clients (80 percent) who received representation in 240 proceedings and 23 people (11 percent) who received withholding-only representation. According to the Immigration and Nationality Act (INA), 240 proceedings pursuant to § 240 (8 USC § 1229a) are removal proceedings in which an immigration judge determines whether a person is inadmissible or deportable. Withholding-only proceedings are limited proceedings in which a judge may consider applications for withholding of removal (or restriction on removal) from the United States for people facing expedited removal under INA § 235(b)(1) or INA § 238(b) or reinstatement of a prior order of removal under INA § 241(a)(5), or in select other circumstances, provided they have a reasonable fear of persecution or torture under INA § 241(b)(3). U.S. Department of Justice (DOJ) EOIR, “Immigration Court Practice Manual,” 113–115 [sic], <https://perma.cc/B266-TL9U>.

¹¹ The share of people who were offered MIDA representation and declined it is calculated as the number of people who declined MIDA representation divided by the sum of the number of MIDA clients and number of people who declined MIDA representation. In other words, people who are found ineligible—or who already have non-MIDA representation at their initial Master Calendar Hearings or who are found to already have non-MIDA representation or be otherwise ineligible post-intake—are removed from the denominator total. Many people refused to accept a screening with a MIDA attorney and proceeded with their initial Master Calendar Hearings unrepresented. Therefore, MIDA attorneys and Vera researchers do not know whether they would have met all the eligibility requirements for MIDA. Vera assumes all the people who declined a screening at the Master Calendar Hearings and did not have non-MIDA counsel were eligible for MIDA in order to make this share of people who were offered MIDA representation and declined it a conservative upper-bound estimate. MIDA attorneys observed the initial Master Calendar Hearings of 462 people, of whom 148 already had non-MIDA representation (145 people) or were otherwise ineligible (three people), 109 declined representation, and 205 became MIDA clients. The percentage $(109) / (205 + 109) = 0.35$ is presented as “one in three.” Vera, “Safety and

Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.

- ¹² For the purposes of this study, Vera considers a successful case outcome to be any outcome that permits a person to remain in the United States. This includes being granted relief or having one’s case terminated, closed due to prosecutorial discretion, or otherwise closed with a positive outcome, such as a grant of withholding of removal. Vera considers an unsuccessful case outcome to be any outcome that requires a person to leave the United States. This includes an order of removal or voluntary departure. Vera recognizes that a grant of voluntary departure does not bear the same legal repercussions as an order of removal. Vera also recognizes that what is considered a successful outcome varies from person to person.
- ¹³ Vera does not include people who received bond-only MIDA representation in this statistic. Vera, “Safety and Fairness for Everyone,” 2024.
- ¹⁴ The rates of having a successful case outcome of MIDA clients and of people who are unrepresented are strictly comparative only. The comparisons do not yet control for demographic or other characteristics, selection bias into having representation, timing of the case, judge on the case, or other factors that may impact one’s case outcome. Vera will complete this more nuanced analysis in a subsequent year of the MIDA program evaluation. Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ¹⁵ The rates of having successful case outcomes of MIDA clients and of people with non-MIDA representation are strictly comparative only. The comparisons do not yet control for demographic or other characteristics, selection bias into having representation, timing of the case, judge on the case, or other factors that may impact one’s case outcome. Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ¹⁶ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ¹⁷ See the section “The Impacts of MIDA” for more information. Vera analysis of Vera, “Safety and Fairness for Everyone,” 2024; and EOIR, “FOIA Library,” 2024.
- ¹⁸ See the section “The Impacts of MIDA” for more information. Vera analysis of Vera, “Safety and Fairness for Everyone,” 2024; and EOIR, “FOIA Library,” 2024.
- ¹⁹ Vera calculates the employment rate as the number of people over the age of 16 who are employed divided by the over-age-16 population. Among MIDA clients, 68 percent were employed in the 12 months prior to being detained. In comparison, 61 percent, 61 percent, 57 percent, and 63 percent of U.S.-born citizens were employed in Illinois, Indiana, Kentucky, and Wisconsin, respectively, as of 2022. Steven Ruggles, Sarah Flood, Matthew Sobek, et al., “IPUMS USA: Version 15.0” database, analysis of IPUMS USA, U.S. Census Data for Social, Economic, and Health Research, American Community Survey 2022 1-Year Estimates (Minneapolis, MN: University of Minnesota, 2022), <https://usa.ipums.org/usa/>.
- ²⁰ Vera calculates the employment rate as the number of people over the age of 16 who are employed divided by the over-age-16 population. MIDA clients were employed at a rate of 68 percent in the 12 months prior to being detained. Similarly, the employment rates of immigrants overall in Illinois, Indiana, Kentucky, and Wisconsin were 65 percent, 68 percent, 68 percent, and 68 percent, respectively, as of 2022. The employment rates of noncitizens across those four states as of 2022 were 68 percent, 68 percent, 69 percent, and 69 percent, respectively. In comparison, the employment rates of the U.S.-born population across the same four states, as of 2022, were 61 percent, 61 percent, 57 percent, and 63 percent, respectively. Ruggles, Flood, Sobek, et al., “IPUMS USA: Version 15.0,” 2022; and Vera, “Safety and Fairness for Everyone,” 2024.

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- ²¹ Vera, “Safety and Fairness for Everyone,” 2024.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ Ibid.
- ²⁵ Of the 6,623 removal proceedings scheduled on the Chicago detained docket from June 2019 to May 2024, 3,081 were transferred to the non-detained docket before the court reached a decision. EOIR, “FOIA Library,” 2024.
- ²⁶ Vera, “Safety and Fairness for Everyone,” 2024.
- ²⁷ For more information on the data used to make these calculations, see the section “Recommendations for Scaling Up the MIDA Program” and Appendix A.
- ²⁸ For more information on the data used to make these calculations, see the section “Recommendations for Scaling Up the MIDA Program” and Appendix A.
- ²⁹ For more information on the data used to make these calculations, see the sections “Recommendations for Scaling Up the MIDA Program,” “Cost Considerations,” and Appendices A to C.
- ³⁰ For more information on the data used to make these calculations, see the section “Recommendations for Scaling Up the MIDA Program” and Appendix A.
- ³¹ Pavilon, Agarwal, Wang, and Hernandez Luperdi, *Evaluating the Impact*, 2024, 10–11.
- ³² Master Calendar Hearings are preliminary immigration court hearings at which the court informs people of their rights and the availability of pro bono legal services; people contest or concede to claims by the U.S. Department of Homeland Security that they are deportable; and the court sets deadlines for filing evidence and motions and a merits hearing or individual hearing, at which the court hears evidence and adjudicates applications for relief.
- ³³ Pavilon, Agarwal, Wang, and Hernandez Luperdi, *Evaluating the Impact*, 2024.
- ³⁴ Eagly and Shafer, “National Study of Access to Counsel,” 2015, 54–58; and Northern California Collaborative for Immigrant Justice, *Access to Justice*, 2014, 18, 24.
- ³⁵ Eagly and Shafer, “National Study of Access to Counsel,” 2015, 54–58; and Northern California Collaborative for Immigrant Justice, *Access to Justice*, 2014, 18.
- ³⁶ Stave, Markowitz, Berberich, et al., *Evaluation of the New York Immigrant Family Unity Project*, 2017.
- ³⁷ Donald Kerwin and Evin Millet, “Charitable Legal Immigration Programs and the U.S. Undocumented Population: A Study in Access to Justice in an Era of Political Dysfunction,” *Journal on Migration and Human Security* 10, no. 3 (2023), 190–214, 209–210, <https://doi.org/10.1177/23315024221124924>.
- ³⁸ Illinois Department of Human Services, *Right to Counsel in Immigration Proceedings Task Force Final Report* (Chicago: Illinois Department of Human Services Great Cities Institute at University of Illinois Chicago, 2024), https://www.ilga.gov/reports/ReportsSubmitted/4977RSGAEmail10605RSGAAttachRight%20to%20Counsel%20in%20Immigration%20Proceedings%20Task%20Force_signed.pdf.
- ³⁹ The raw numbers of non-detained people with representation refer to the absolute numbers in the red portions of the bar in Figure 1. The number 23,700 refers to 46 percent of the total case count in the first bar (from June 2019 to November 2019) and 58,000 refers to 28.9 percent of the total caseload in the last bar (from December 2023 to May 2024).
- ⁴⁰ Illinois Department of Human Services, *Right to Counsel*, 2024, 8.
- ⁴¹ Since December 2021, in each subsequent six-month period, from 4.3 to 20.2 percent of people on the Chicago detained docket were MIDA clients. MIDA attorneys also represent some non-MIDA clients who are not considered part of the MIDA program because they were taken on through a different intake model or at a different point in their case (in other words, not at their initial Master Calendar Hearings). When including these non-MIDA clients, MIDA attorneys are representing an even larger share of the Chicago detained docket.
- ⁴² The exact number of pending non-detained cases increased from 109,480 in the December 2022 to May 2023 period to 168,790 in the June 2023 to November 2023 period, a 54 percent increase.
- ⁴³ Vera calculated the total detained representation rate by summing the percentages on the red and gray bars. The representation rate for December 2022 to May 2023 is 50.4 percent and the representation rate for June 2023 to November 2023 is 51.0 percent.

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- ⁴⁴ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁴⁵ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁴⁶ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁴⁷ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁴⁸ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁴⁹ The scope of representation refers to the initial intended scope, even though a person or their attorney may discontinue their representation or the scope may change midcase.
- ⁵⁰ According to the INA, 240 proceedings pursuant to § 240 (8 USC 1229a) are removal proceedings in which an immigration judge determines a person’s inadmissibility or deportability. Withholding-only proceedings are limited proceedings in which a judge may consider the applications for withholding of removal (or restriction on removal) from the United States for people subject to expedited removal under INA § 238(b) or reinstatement of a prior order of removal under INA § 241(a)(5), who have a reasonable fear of persecution or torture. See also DOJ, “Immigration Court Practice Manual,” 113–115 [sic].
- ⁵¹ Bond-only representation is legal counsel through one’s bond hearings but not through the remainder of the deportation case.
- ⁵² Vera calculates the share of people who were offered but declined MIDA representation as the number of people who declined MIDA representation divided by the sum of the number of MIDA clients and the number of people who declined MIDA representation. In other words, Vera removes people who are ineligible—or who already have non-MIDA representation at their initial Master Calendar Hearings or who are found to already have non-MIDA representation or be otherwise ineligible post-intake—from the denominator. Many people refused to accept a screening with a MIDA attorney and proceeded with their initial Master Calendar Hearings unrepresented. Therefore, MIDA attorneys and Vera researchers do not know whether they would have met all the eligibility requirements for MIDA. Vera assumes all the people who declined screenings when observed at their initial Master Calendar Hearings and did not have non-MIDA counsel would have been eligible for MIDA in order to make this share of people who were offered but declined MIDA representation a conservative upper-bound estimate. MIDA attorneys observed the initial Master Calendar Hearings of 462 people, of whom 148 already had non-MIDA representation (145 people) or were otherwise ineligible (three people), 109 declined representation, and 205 became MIDA clients, resulting in the percentage $(109) / (205+109) = 0.35$. Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁵³ Of the 109 people who declined MIDA representation, 107 (98 percent) did so at court observation and only two (2 percent) did so after a screening with a MIDA attorney. Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A#

Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.

⁵⁴ Pavilon, Agarwal, Wang, and Hernandez Luperdi, *Evaluating the Impact*, 2024, 10–11.

⁵⁵ Illinois Department of Human Services, *Right to Counsel*, 2024, 18.

⁵⁶ EOIR, “FOIA Library,” 2024.

⁵⁷ Ibid.

⁵⁸ Other nearby dockets include juvenile dockets, Chicago non-detained satellite, Illinois Doc, Statesville, and Wisconsin Department of Corrections. EOIR, “FOIA Library,” 2024.

⁵⁹ EOIR, “FOIA Library,” 2024.

⁶⁰ Vera analysis of Vera, “Safety and Fairness for Everyone,” 2024; and EOIR, “FOIA Library,” 2024.

⁶¹ Vera analysis of Vera, “Safety and Fairness for Everyone,” 2024; and EOIR, “FOIA Library,” 2024.

⁶² The rates of having a successful case outcome of MIDA clients and people who are unrepresented are strictly comparative. The comparisons do not yet control for demographic or other characteristics, selection bias into having representation, timing of the case, judge on the case, or other factors that may impact one’s case outcome. This analysis will be completed in a subsequent year of the MIDA program evaluation.

⁶³ Thirty-five percent of people offered MIDA representation at their initial Master Calendar Hearings refused it. It is possible that the people who are eligible for MIDA representation and accept it differ slightly on observed or unobserved metrics or personality traits from the people who are eligible for MIDA representation and refuse it. Vera does not analyze this selection effect in this report, but it will be part of the MIDA program evaluation in subsequent years.

⁶⁴ For the purposes of this study, Vera considers a successful case outcome to be any outcome that permits a person to remain in the United States. This includes being granted relief or having one’s case terminated, closed due to prosecutorial discretion, or otherwise closed with a positive outcome, such as a grant of withholding of removal. Vera considers an unsuccessful case outcome to be any outcome in which a person must leave the United States. This includes an order of removal or voluntary departure. Vera recognizes that a grant of voluntary departure does not bear the same legal repercussions as an order of removal. Vera also recognizes that what is considered a successful outcome varies from person to person.

⁶⁵ The rates of having a successful case outcome of MIDA clients and people with other non-MIDA representation are strictly comparative. The comparisons do not yet control for demographic or other characteristics, selection bias into having representation, timing of the case, judge on the case, or other factors that may impact one’s case outcome. Vera will complete this analysis in a subsequent year of the MIDA program evaluation.

⁶⁶ It is possible that people may file for appeals after they conclude their work with their MIDA attorney, changing the case outcome.

⁶⁷ Case outcomes in which a person must leave the United States include an order of removal or voluntary departure.

⁶⁸ U.S. Bureau of Labor Statistics, “Graphics for Economic News Releases—Number of Unemployed Persons Per Job Opening by State, Seasonally Adjusted,” November 2024, <https://www.bls.gov/charts/state-job-openings-and-labor-turnover/unemployed-persons-per-job-opening-by-state.htm>.

⁶⁹ Ibid.

⁷⁰ Ruggles, Flood, Sobek, et al., “IPUMS USA: Version 15.0,” 2022.

⁷¹ Vera calculates the employment rate as the number of people over the age of 16 who are employed divided by the over-age-16 population. MIDA clients were employed at a rate of 68 percent in the 12 months prior to being detained. Similarly, the employment rates of immigrants overall in Illinois, Indiana, Kentucky, and Wisconsin were 65 percent, 68 percent, 68 percent, and 68 percent respectively as of 2022. The employment rates of noncitizens across those four states as of 2022 were 68 percent, 68 percent, 69 percent, and 69 percent, respectively. In comparison, the employment rates of the U.S.-born population across the same four states, as of 2022, were 61 percent, 61 percent, 57 percent, and 63 percent, respectively. Ruggles, Flood, Sobek, et al., “IPUMS USA: Version 15.0,” 2022; and Vera, “Safety and Fairness for Everyone,” 2024.

⁷² Vera, “Safety and Fairness for Everyone,” 2024.

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- ⁷³ Vera calculates the employment rate as the number of people over the age of 16 who are employed divided by the over-age-16 population. Ruggles, Flood, Sobek, et al., “IPUMS USA: Version 15.0,” 2022.
- ⁷⁴ Vera, “Safety and Fairness for Everyone,” 2024.
- ⁷⁵ Ibid.
- ⁷⁶ Ibid.
- ⁷⁷ Ibid.
- ⁷⁸ Ibid.
- ⁷⁹ Ibid.
- ⁸⁰ EOIR, “FOIA Library,” 2024.
- ⁸¹ Vera, “Safety and Fairness for Everyone,” 2024; Chicago Immigration Court, “IJ Hearing Calendar - Redacted - Detained,” spreadsheets (Chicago: Chicago Immigration Court, April 25, 2022 through May 17, 2024); National Immigrant Justice Center, “MIDA A# Tracking,” private spreadsheet (Chicago: National Immigrant Justice Center, May 31, 2024); and EOIR, “FOIA Library,” 2024.
- ⁸² American Bar Association (ABA), *Profile of the Legal Profession 2023* (Chicago, IL: ABA, 2023), <https://www.americanbar.org/content/dam/aba/administrative/news/2023/potlp-2023.pdf>.
- ⁸³ Ibid.
- ⁸⁴ Ibid.
- ⁸⁵ Alyssa Snider, L Gagne, and Jill Williams, *Defending Children and Overcoming Burnout in a Harmful Immigration System* (Washington, DC: Acacia Center for Justice, 2024), 16–18, <https://perma.cc/Y7EQ-C8Z4>.
- ⁸⁶ SHIELD Act, H.R. 8980, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/house-bill/8980/text>.
- ⁸⁷ Office of Congressman Robert Garcia, “Congressman Robert Garcia Introduces SHIELD Act to Bolster Immigration Legal Aid Access,” press release (Washington, DC: Office of Congressman Robert Garcia, July 12, 2024), <https://perma.cc/ZRE9-8JFS>.
- ⁸⁸ Vera analysis of the DOJ EOIR, “Recognized Organizations and Accredited Representatives Roster by State and City,” May 5, 2024, <https://perma.cc/57YU-T3UJ>.
- ⁸⁹ Lindsay Muir Harris and Hillary Mellinger, “Asylum Attorney Burnout and Secondary Trauma,” *Wake Forest Law Review* 56, no. 4 (2021), 733–826, 767, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3787163.
- ⁹⁰ Snider, Gagne, and Williams, *Defending Children*, 2024, 11.
- ⁹¹ Ibid., 13–14.
- ⁹² Ibid., 14–15.
- ⁹³ Ibid., 16–18.
- ⁹⁴ Ibid., 4, 22.
- ⁹⁵ Illinois Department of Human Services, *Right to Counsel*, 2024, 10.
- ⁹⁶ Ibid., 18.
- ⁹⁷ Ibid., 19–20.
- ⁹⁸ Paviol, Agarwal, Wang, and Hernandez Luperdi, *Evaluating the Impact*, 2024, 10–11.
- ⁹⁹ Vera Institute of Justice, “SAFE Network Announces Expansion and Celebrates Successes at One Year,” press release (New York: Vera Institute of Justice), 2018, <https://www.vera.org/newsroom/safe-network-announces-expansion-and-celebrates-successes-at-one-year-a-dozen-communities-united-to-provide-public-defense-to-immigrants-facing-deportation>.
- ¹⁰⁰ American Immigration Lawyers Association (AILA), *The AILA Marketplace Study 2022* (Washington, DC: AILA, 2022), 18–19, <https://perma.cc/DS48-P96J>.
- ¹⁰¹ AILA, “Find an Immigration Lawyer (Sidebar, Frequently Asked Questions: How do lawyers get on this list?)”, <https://www.ailalawyer.com/>.
- ¹⁰² Illinois Department of Human Services, *Right to Counsel*, 2024, 15.
- ¹⁰³ Kerwin and Millet, “Charitable Legal Immigration,” 2023, 209–210.

¹⁰⁴ Ibid., 201–204.

¹⁰⁵ Ibid., 203–204.

¹⁰⁶ Ibid., 209–210.

¹⁰⁷ From May 2023 to May 2024, the number of people represented nationwide increased from 924,945 to 1,099,111, a 19 percent increase. Vera Institute of Justice, “Immigration Court Legal Representation Dashboard” (accessed October 20, 2024), <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard>.

¹⁰⁸ ABA, *Profile*, 2023.

¹⁰⁹ The Bar Examiner, “Persons Taking and Passing the 2023 Bar Examination,” Spring 2024, <https://perma.cc/M5FE-ZDDE>.

¹¹⁰ ABA, *Profile*, 2023.

¹¹¹ Illinois Department of Human Services, *Right to Counsel*, 2024, 10.

¹¹² AILA, *AILA Marketplace Study*, 2022, 18–19.

¹¹³ ABA, “ABA Ten Principles of a Public Defense Delivery System - Principle 2: Funding, Structure, and Oversight,” August 23, 2023, https://www.americanbar.org/groups/legal_aid_indigent_defense/indigent_defense_systems_improvement/standards-and-policies/ten-principles-pub-def/principle-2/.