

# RESEARCH NOTE

## Newly Appointed Judges and the Rise of Voluntary Departure in Immigration Court

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The Trump administration is leveraging a wide range of strategies to carry out its mass deportation agenda, scaling up the departure of immigrants from the United States through a variety of mechanisms. These include sending people to countries where they have never lived and have no ties, introducing incentives to encourage people to “self-deport,” and increasing the removal of people who did not have the chance to argue their case before an immigration judge.<sup>1</sup> Among people facing deportation within the U.S. immigration court system, more are receiving a case outcome requiring them to leave the United States under the current administration than under the Biden administration. While this increase is coming in part through more removal orders, it is disproportionately driven by an increase in judges granting voluntary departure.<sup>2</sup>

Voluntary departure allows a person to conclude their case by agreeing to leave the United States at their own expense and within a set time frame.<sup>3</sup> The consequences of voluntary departure differ from those of a removal order as they enable some people to retain lawful avenues to apply to return to the United States that are unavailable to people who have been ordered removed.<sup>4</sup> Nevertheless, voluntary departure is an undesirable outcome for many, requiring departure from the United States with no guarantee of ever being able to return, a waiver of the chance to pursue relief on an immigration case or appeal, and sometimes involving prolonged detention before a person can leave.<sup>5</sup> New analysis from the Vera Institute of Justice (Vera) examines trends in voluntary departure and the role of immigration judges appointed under the second Trump administration in driving these trends.

### Key Takeaways:

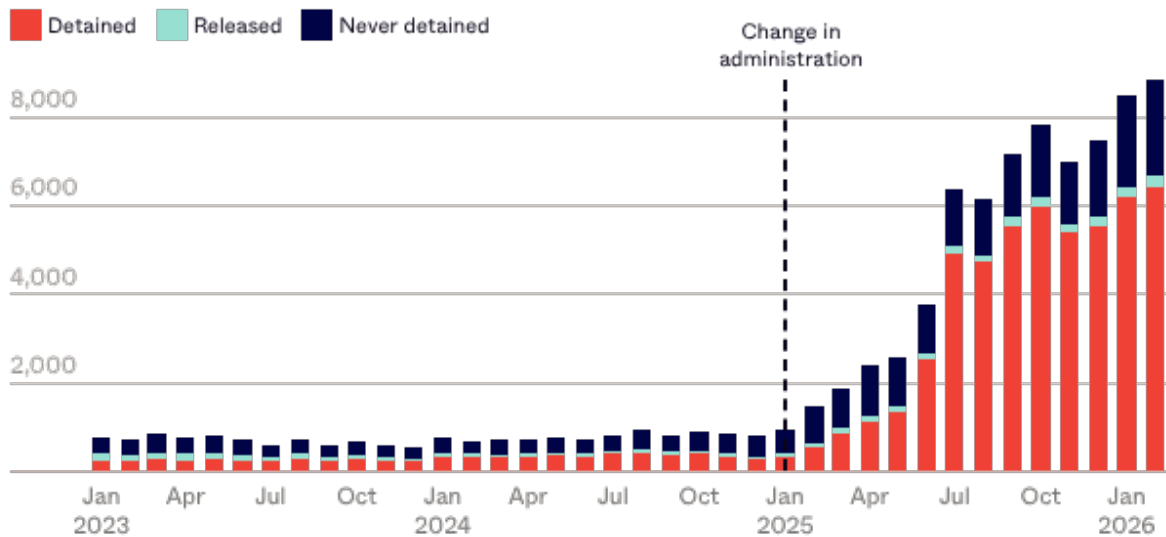
- **The number of people in removal proceedings who received a decision of voluntary departure has risen dramatically** since the change in presidential administration—particularly among people who were detained.
- **Increases in voluntary departure decisions are happening alongside increases in orders of removal.** The percentage and number of detained cases ending in voluntary departure or an order of removal have increased since the end of the Biden administration.
- **Immigration judges newly appointed by the second Trump administration have granted voluntary departure at higher rates than judges with more experience—while still granting orders of removal at comparable rates.** Moreover, these new judges are predominately being assigned to detained cases.
- **Immigration judges, overall, are less likely to encourage people to leave the United States through voluntary departure or self-deportation if those people have legal counsel.** And Republican-appointed immigration judges are encouraging people in immigration proceedings to leave the United States at higher rates than Democratic-appointed judges.

These changes come at the same time as the number of people who are detained and facing deportation is increasing and relatively fewer people are being released from detention. Altogether, Vera’s analysis illuminates how voluntary departure is being used in the second Trump administration to require more people to leave the United States.

**The number of removal proceedings ending in a decision of voluntary departure is skyrocketing—especially for people in immigration detention. Among people who were detained at the start of their removal case, more than 10 times as many cases concluded with a voluntary departure decision in recent months than at the end of Biden’s term.<sup>6</sup>**

Figure 1 shows the number of voluntary departure decisions per month from January 2023 to February 2026, split out by custody status at the time the person’s case reached a decision. In the last two years of the Biden administration (January 2023 to December 2024), the number of removal proceedings that reached a decision of voluntary departure remained relatively stable, hovering between 547 and 929 voluntary departure decisions per month, as shown in Figure 1. However, since President Donald Trump took office in January 2025, this number has increased more than tenfold, from approximately 800 voluntary departure decisions in December 2024 (the final month of the Biden administration) to around 8,800 by February 2026, an increase of 993 percent.<sup>7</sup> This increase in orders of voluntary departure was disproportionately larger than the overall change in completed cases in this period, which grew by only 5 percent.<sup>8</sup> Figure 1 shows the increase in voluntary departure decisions has been greater for people who were in immigration detention when their proceedings began (that is, those shown as either ‘detained’ or ‘released’ at the end of their case).

**Figure 1**  
**Number of removal cases resulting in a voluntary departure decision, by month and custody status, from January 2023 to February 2026**

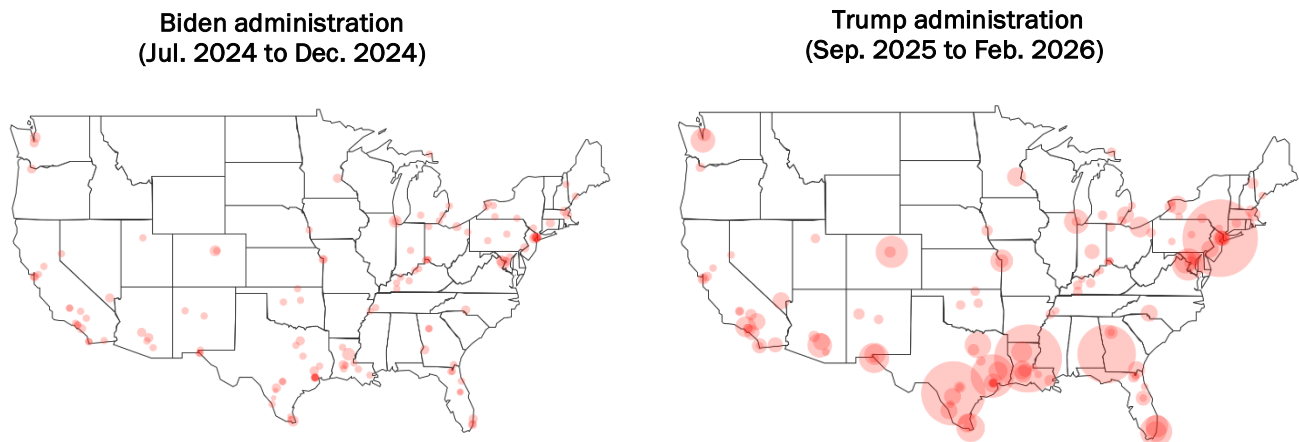


Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

**The growth in removal proceedings concluding with voluntary departure orders is widespread across the United States. In three-quarters of U.S. states and territories, the number of voluntary departure decisions increased more than five-fold since the end of Biden’s term.<sup>9</sup>**

Figure 2 shows the growth in voluntary departure decisions across the United States between the last six months of the Biden administration (July 2024 to December 2024) and the most recent six months for which data was available at the time of analysis (September 2025 to February 2026). The maps show that every U.S. state and territory with an immigration court—with the exception of Connecticut and Alaska—saw well over double the number of cases ending in voluntary departure under the second Trump administration compared to the end of Biden’s term.<sup>10</sup> In three-quarters of the U.S. states and territories with an immigration court, the number of voluntary departure decisions increased more than fivefold.<sup>11</sup> The states with the highest number of cases ending in voluntary departure in the most recent six months of data were Texas (around 12,400 voluntary departure decisions, a 963 percent increase from the last six months of the Biden administration), Louisiana (around 5,400, a 959 percent increase), Florida (around 3,700, a 1,007 percent increase), and Georgia (around 3,400, a 2,234 percent increase). These states—along with California (around 3,200 voluntary departure decisions, a 829 percent increase) and New York (around 1,500, a 493 percent increase)—were also the states with the highest number of cases for people in detention completed during this time period.<sup>12</sup>

**Figure 2**  
**Voluntary departure decisions across the United States, by presidential administration (six-month snapshot)**



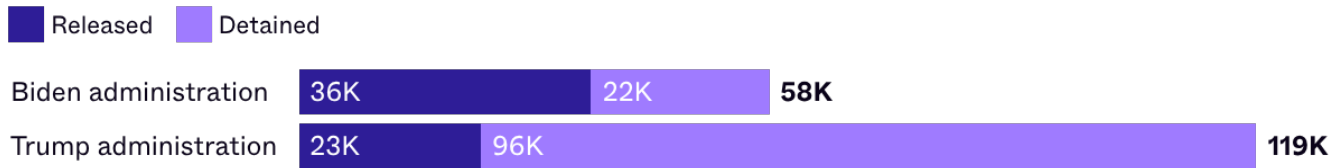
Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

**The number of people fighting their removal cases from immigration detention has doubled under the second Trump administration.**

Figure 3 shows the number of cases that reached a decision in the most recent six months of the Trump administration for which data was available (September 2025 to February 2026) and the last six months of the Biden administration (July 2024 to December 2024), for people who were detained at the start of their removal case. The figure splits the cases out by the person’s custody status at the time their case reached a decision. Figure 3 shows the number of initially detained cases that were adjudicated doubled between these two periods. Moreover, whereas 60 percent of detained people in removal proceedings were released from detention while their case was pending under Biden, just 18 percent were released mid-case under Trump.

**Figure 3**

**Case completions for people initially detained, by custody status at the time of case decision and presidential administration (six-month snapshot)**



Note: The “Biden administration” bar refers to cases completed in the last six months of the Biden administration (July 2024 to December 2024). The “Trump administration” bar refers to cases completed under the most recent six months for which data was available at the time of analysis (September 2025 to February 2026).

Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

**Among people who were detained when their removal case began, far more cases are resulting in outcomes that require departure from the United States, especially through voluntary departure.**

Figure 4 compares—for people who were detained when their removal proceedings began—the breakdown of final case decisions under the second Trump administration (from September 2025 to February 2026) against the last six months of the Biden administration (from July 2024 to December 2024).<sup>13</sup> Under the Trump administration, 86 percent of these people received a case outcome that required departure from the United States: 31 percent received a voluntary departure decision and 55 percent received a removal order, as shown in Figure 4. The share of people required to depart the United States is 34 percentage points higher than it was during the last six months of Biden’s term, when it stood at 52 percent; during that time, 5 percent resulted in a voluntary departure decision and 47 percent resulted in a removal order. As these numbers show, much of the increase in case decisions requiring people to leave the United States is coming from increases in voluntary departure decisions.

**Figure 4**

**Final case decisions for people who were in detention when their case began, by presidential administration (six-month snapshot)**



Legend: Relief granted (light blue), Other case closure that allows a person to remain in the United States (grey), Voluntary departure (orange), Removal order (red).

Note: Percentages may not sum to 100 due to rounding.

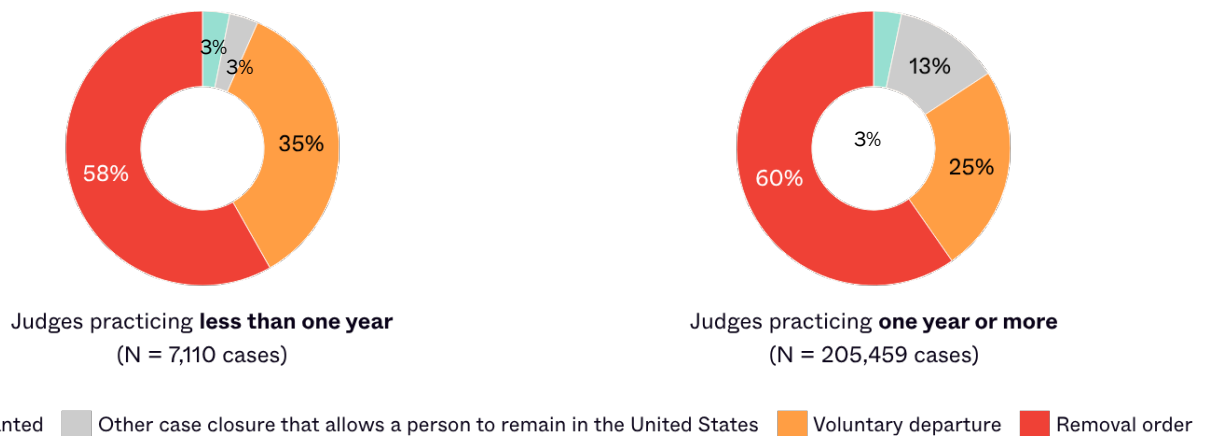
Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

**Judges appointed in the past year are disproportionately granting voluntary departure.**

Figure 5 presents—for people who were detained when their case began—final case decisions over the most recent 12-month period for which data was available at the time of analysis (March 2025 to February 2026). The figure breaks these decisions down by judges’ experience levels, comparing the decisions of

immigration judges who began deciding cases in the past year to those of immigration judges who were appointed at an earlier time.<sup>14</sup> Over the course of the year, initially detained cases that were assigned to newly hired immigration judges more frequently ended in outcomes that required departure from the United States—including voluntary departure—than cases assigned to previously appointed judges, as shown in Figure 5. More than 93 percent of initially detained cases that were assigned to new immigration judges received a case outcome that required the person to leave the United States: 35 percent received a voluntary departure decision and 58 percent received a removal order. By contrast, this was true for 84 percent of those assigned to more experienced judges: 25 percent received a voluntary departure decision and 60 percent received a removal order.<sup>15</sup> Whereas the share of cases of initially detained people that resulted in removal orders was comparable across judges of different experience levels, the newer judges granted relatively more voluntary departure decisions than judges who had been practicing for longer.

**Figure 5**  
**Final case decisions for people who were detained when their case began during the second Trump administration, by experience level of immigration judge, from March 2025 to February 2026**



Note: Percentages may not sum to 100 due to rounding.

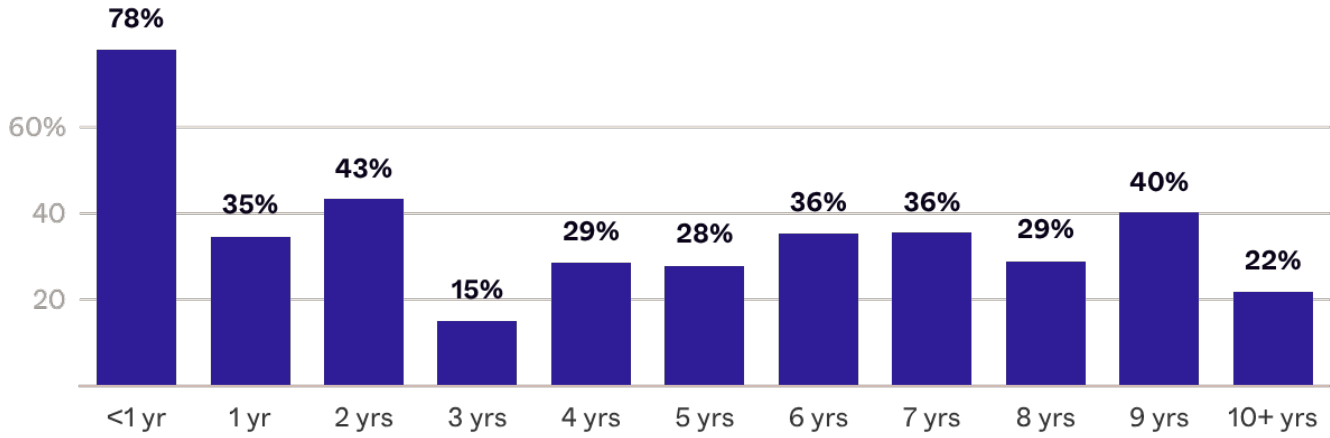
Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

**Newly hired immigration judges are predominantly being assigned to detained cases.**

Figure 6 shows—for the most recent 12-month period for which data was available (March 2025 to February 2026)—the percentage of cases that were in detained proceedings, broken down by the assigned judge’s years of experience. For judges who began issuing decisions in the past year, 78 percent of all new removal proceedings assigned to them throughout the year were detained proceedings, compared to just 29 percent for all other judges during that same period.<sup>16</sup>

**Figure 6**

**The percentage of immigration judges’ assigned cases that were detained cases, by judges’ experience level, March 2025 to February 2026**



Source: Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.

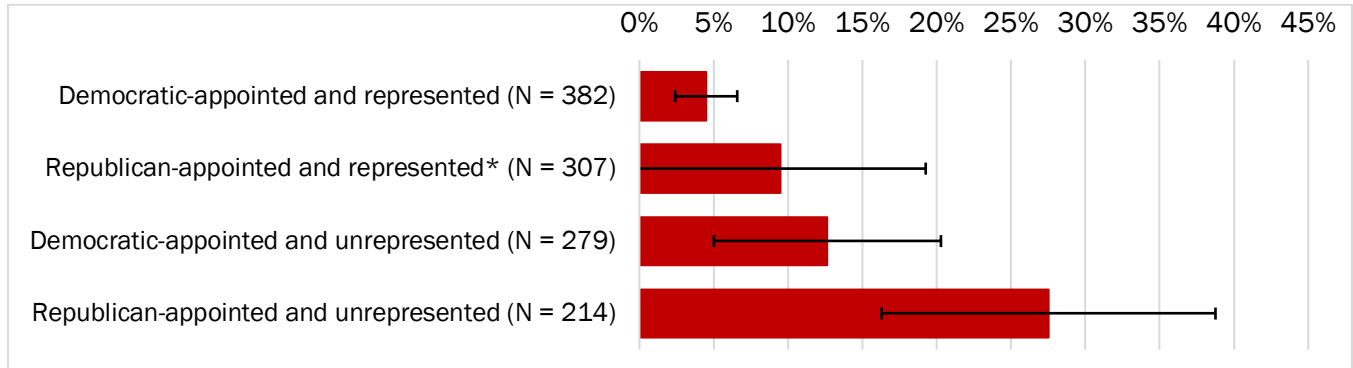
**Immigration judges overall are less likely to encourage people in immigration proceedings to self-deport or take voluntary departure if they have legal representation. And Republican-appointed immigration judges are encouraging people in immigration proceedings to leave the United States through these channels at higher rates than Democratic-appointed judges.**

Vera turned to a supplementary data source to explore what may be driving the trends in voluntary departure described in this report. The American Bar Association’s (ABA) Commission on Immigration—through its Court Observation and Awareness Project—provided Vera with data on observations they had conducted of initial master calendar hearings for people in immigration proceedings between September 2025 and February 2026.<sup>17</sup> One of the survey questions the court observers filled out read: “At any time during the hearing, did the immigration judge suggest the respondent should leave the United States (e.g., self-deport, voluntary departure)?”

From this data, Vera identified 1,182 people who were in immigration detention at the time of their first hearing.<sup>18</sup> Figure 7 shows—among these detained people—the likelihood that an immigration judge encouraged them to leave the United States during their first hearing. The figure breaks this number down by whether or not the person had legal counsel and which political party was in power when their assigned judge was appointed.<sup>19</sup> Among people in detained proceedings with legal representation, approximately 5 percent assigned to a Democratic-appointed judge were encouraged to leave the United States by their judge, compared to 9 percent of those assigned to a Republican-appointed judge. Among people in detained proceedings *without* legal representation, approximately 14 percent assigned to a Democratic-appointed judge were encouraged to leave the United States by their judge, compared to 26 percent of those assigned to a Republic-appointed judge. Attorneys help people understand and defend the legal options available to them, and the data shows that judges—Republican-judges in particular—are more likely to encourage options that require people to leave the United States when those people do not have attorneys by their side.

**Figure 7**

**The likelihood that a detained person was encouraged to leave the United States by the immigration judge at their first hearing during the current administration, by political party of judge appointment and legal representation status**



Note: Among people who were in detained proceedings from September 2025 to February 2026, Vera modelled the likelihood of whether the immigration judge suggested a person leave the United States at their master calendar hearing using a logit specification with an interaction between being unrepresented and assignment to a Republican-appointed judge, clustering standard errors by immigration judge. Because cases are clustered within judges and the number of cases varies substantially across judges, standard errors are clustered at the immigration judge level to account for within-judge correlation and avoid overstating precision. Following the logit model, Vera estimated adjusted probabilities for all representation-judge type combinations using post-estimation margins. The error bars display the 95 percent confidence interval.

\* The 95 percent confidence interval for the predicted probability for people assigned to a Republican-appointed judge who have legal representation includes 0, so the lower end of the error bar is not displayed.

Source: American Bar Association’s (ABA) Commission on Immigration’s Court Observation and Awareness Project, “Master calendar hearing observation data [dataset],” on file with the ABA, retrieved March 6, 2026.

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they’re fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn’t determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera’s headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit [vera.org](https://vera.org). For more information about this fact sheet, contact [urep@vera.org](mailto:urep@vera.org).

**Endnotes**

- <sup>1</sup> For an overview of these changes, see Muzaffar Chishti, Kathleen Bush-Joseph, and Colleen Putzel-Kavanaugh, “Unleashing Power in New Ways: Immigration in the First Year of Trump 2.0,” Migration Policy Institute, January 13, 2026, <https://www.migrationpolicy.org/article/trump-2-immigration-1st-year>. For more information on incentives offered for self-deportation, see Chad de Guzman, “DHS More Than Doubles ‘Self-Deportation’ Cash Payment but Critics Call Program Deceptive,” Time, January 22, 2026, <https://perma.cc/6HB3-5AHZ>; and the White House, “Fact Sheet: President Donald J. Trump Establishes Project Homecoming,” The White House, May 9, 2025, <https://perma.cc/CW46-XKZB>.
- <sup>2</sup> Immigration and Nationality Act § 240B, 8 U.S.C. § 1229c
- <sup>3</sup> Immigration and Nationality Act § 240B, 8 U.S.C. § 1229c. Voluntary departure differs from some other ways that one leaves, or is encouraged to leave, the United States—such as self-deportation or a U.S. Department of Homeland Security administered departure through the U.S. Customs and Border Patrol (CBP) Home application, which are informal processes, not legal dispositions. U.S. Customs and Border Protection, “CBP Home Mobile Application,” <https://perma.cc/9F5K-8GFX>.
- <sup>4</sup> Ibid.
- <sup>5</sup> National Immigrant Justice Center, *Voluntary Departure: Quick Start Guide* (Chicago, IL: National Immigrant Justice Center, 2025). <https://perma.cc/6MU2-7WFZ>.
- <sup>6</sup> Vera considered 240 proceedings only in this report.

- <sup>7</sup> In December 2024—the last full month of the Biden administration—807 removal cases resulted in voluntary departure, compared to 8,824 in February 2026. Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>8</sup> In December 2024, 66,047 removal cases were completed, compared to 69,060 in February 2026. Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>9</sup> Vera considers only U.S. states and territories that have at least one immigration court.
- <sup>10</sup> This includes Guam, Indiana, New Hampshire, and the Northern Mariana Islands, which did not have any voluntary departures in the last six months of the Biden administration. Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>11</sup> Ibid.
- <sup>12</sup> Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>13</sup> In Figure 4, ‘Other case closure that allows a person to remain in the United States’ includes outcomes that allow a person to remain in the United States without being granted relief (“Remove-CAT Withholding Granted”, “Remove-CAT Deferral Granted”, and “Remove-INA Withholding Granted”); outcomes which close a case (“Failure to Prosecute (DHS cases only)”, “Dismissed by IJ”, and “Terminated”); and outcomes that pause a case (“Prosecutorial Discretion - Admin Close”, “In Court Prosecutorial Discretion - Admin Closure”, “Administrative Closing – Other”, and “Administrative Closure”). The ‘Removal order’ category includes cases with an outcome of “Withdrawn.” There were 43 such cases in the first period and 542 such cases in the second period.
- <sup>14</sup> Vera calculated immigration judges’ years of experience by calculating the duration of time between February 28, 2026—the EOIR data cutoff date—and the date of each judge’s first initial decision. For the purposes of this report, Vera considered the date the judge made their first decision in an immigration court proceeding to be their “appointment” date. Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>15</sup> Note percentages may not sum to totals due to rounding. The percentages for those who received orders of removal (59.7 percent) and voluntary departure (24.5 percent) individually round to 60 percent and 25 percent, but when summed, together equal 84.2 percent, which rounds to 84 percent.
- <sup>16</sup> Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.
- <sup>17</sup> Any opinions, results, findings and/or interpretations of data contained in this report are Vera’s and not those of the ABA.
- <sup>18</sup> At least 124 volunteers collected this data across 39 courts between September 2025 and February 2026 through the ABA’s Court Observation Project.
- <sup>19</sup> For the purposes of determining whether an immigration judge was appointed under a Democratic or Republican presidential administration, Vera considered the date the judge made their first decision in an immigration court proceeding to be their “appointment” date. Executive Office for Immigration Review, “EOIR Case Data, (February 2026),” <https://www.justice.gov/eoir/foia-library-0>.