

Evaluating the Impact of the Midwest Immigrant Defenders Alliance

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Executive Summary

The Midwest Immigrant Defenders Alliance (MIDA) is a coalition formed in March 2022 by four organizations that have come together to provide high-quality immigration legal services for people facing deportation in immigration court in Chicago: The National Immigrant Justice Center (NIJC), The Resurrection Project (TRP), The Immigration Project (TIP), and the Law Office of the Cook County Public Defender (CCPD). During the first year of MIDA's formation, these organizations, which had individually been working to advance access to counsel for people in immigration proceedings, developed a collaborative model to provide legal representation on a merits-blind basis to people in immigration detention and docketed at the Chicago immigration court.¹ The goal of this collaboration is to scale up to a universal representation program that would reach everyone on the Chicago "detained" docket, which hears cases of people detained across four states in the Midwest: Illinois, Indiana, Kentucky, and Wisconsin.² In year one, MIDA organizations only served clients in immigration detention due to capacity constraints, but with increased resources, the MIDA model could be expanded to reach all people before the Chicago immigration court in the future, including people not in immigration detention.

Because MIDA organizations are not yet able to serve everyone before the Chicago detained docket who is eligible, it ensures a merits-blind, equitable, and universal intake system by attending and observing the initial "master calendar hearings" of people in immigration detention before the Chicago immigration court on certain preset days of the week.³ These observations are where attorneys first make contact with people and offer legal representation to everyone, if their hearing is on that day of the week. All people in immigration detention who have a low-income status and do not already have legal representation are eligible for MIDA representation if they choose to accept it.

The Vera Institute of Justice (Vera) is evaluating the impact of MIDA and this model of universal representation. This work builds on Vera's many years of experience measuring the impact of legal access and legal representation programs and, in turn, grows and develops best practices for immigration legal services programs. Vera will conduct an impact analysis of this program over the course of three years including providing recommendations for programmatic scaling. This report is a preliminary analysis of the first year of the program.

In recent years, there has been an increase in local and federal funding for direct legal representation for people in immigration court in Illinois, but this funding has not been adequate to cover the demand. While these dedicated funding streams are a crucial step in building a foundation of publicly funded representation and have enabled local organizations to build and sustain larger legal services teams than in the past, they do not adequately meet the representation needs of people held in regional detention centers and whose cases are heard at the Chicago immigration court. Nor do they guarantee equitable access to representation, as different funding streams come with different requirements or restrictions.

Topline findings:

- **The vast majority of noncitizens in Illinois have long-standing ties to the community and local and state economies.** Among noncitizens in Illinois, 71 percent have spent more than a decade in the United States and nearly half have been in the United States for more than 20 years.⁴ In the City of Chicago, approximately one in four people in the workforce is an immigrant.⁵ Still, people without U.S. citizenship remain at risk of deportation.
- **Having legal representation is associated with more positive case outcomes in immigration court.** Cases that had representation on the Chicago detained docket have historically fared much better in court. Between October 2001 and February 2023, people in immigration detention with counsel successfully obtained the right to remain in the United States in 26 percent of cases, 13 times greater than the 2 percent rate for detained cases without representation.⁶
- **More people on the Chicago detained docket are being represented one year into the MIDA program, even in spite of an increasing number of cases before the court.** Before MIDA began taking cases in May 2022, 53 out of 82 (65 percent) pending cases had representation at the end of March 2022 compared to 106 out of 151 (70 percent) at the end of April 2023.⁷
- **Among MIDA clients on whose cases the judge had reached an initial disposition (an initial ruling by a judge in immigration court, though appeals may still be pending), 36 percent established the right to remain in the United States with the assistance of counsel.** Of the 44 cases that were closed in the first year, 16 won relief or had their cases terminated (allowing them to remain in the United States). Nine people left the country voluntarily, and 19 others were ordered removed.
- **MIDA's universal representation model ensures equity of access to representation.** The countries of origin of MIDA clients are representative of the diverse countries of origin and linguistic backgrounds of people before the immigration court. Groups that are more likely to be excluded under referral models are given priority to access representation and secure translation and interpretation services through MIDA's universal intake model. The top three countries of origin of MIDA clients in the first year of the program were Mexico, Guatemala, and Honduras, and the top three most-spoken languages were Spanish, English, and Turkish.⁸
- **Among the MIDA clients represented in the first year, nearly one in three (29 percent) are parents to children living in the United States.** Eighty-four percent of the children of MIDA clients are U.S. citizens. The potential risk of deportation to Illinois families is large, as 251,000 children in Illinois have only noncitizen parents and 54,000 children live in a single-parent home with a noncitizen parent who could be at risk of deportation.⁹
- **MIDA clients had higher rates of employment prior to detention than the overall Illinois and Chicago population.** Of MIDA clients for whom employment status prior to detention is known, 68 percent were employed in the 12 months prior to being detained.¹⁰ Immigrants contribute to the Illinois and Chicago economies in important ways and play a crucial role in filling essential jobs. While immigrants make up 14 percent of the population in Illinois, they comprise 18 percent of the labor force, often taking grueling jobs in industries that struggle to hire.¹¹ In core industries such as manufacturing and construction, immigrants account for 25 percent of the workforce.¹²

- **MIDA also ensures equity in access to representation for people who have had past contact with the criminal legal system.** The universality of the MIDA program does not turn clients away based on the merits of their case and ensures people who have a history with the criminal legal system are not barred from access to counsel. This promotes racial equity in a system where Black and brown communities are more likely to have had contact with the criminal legal system.¹³ Of the 108 MIDA clients represented, 47 clients (44 percent) have a felony conviction. However, nine of the clients with a felony conviction were also themselves victims of domestic or intimate partner violence, trafficking, and/or other crimes.

Introduction

The Midwest Immigrant Defenders Alliance (MIDA) is a coalition formed in March 2022 by four organizations that have come together to provide high-quality immigration legal services for people in immigration court in Chicago: The National Immigrant Justice Center (NIJC), The Resurrection Project (TRP), The Immigration Project (TIP), and the Law Office of the Cook County Public Defender (CCPD). During the first year of MIDA's formation, these organizations, which had individually been working to advance access to counsel for people in immigration proceedings, developed a collaborative model to provide legal representation on a merits-blind basis to persons in immigration detention and docketed at the Chicago immigration court.¹⁴ The goal of this collaboration is to scale up to a universal representation program that reaches everyone on the Chicago "detained" docket, which hears cases of people detained across four states in the Midwest: Illinois, Indiana, Kentucky, and Wisconsin.¹⁵ In year one, MIDA organizations only served clients in detention due to capacity constraints, but with increased resources, the MIDA model could be expanded to reach all people before the Chicago immigration court in the future, including people not in immigration detention.

The Vera Institute of Justice (Vera) is evaluating the impact of MIDA and this model of universal representation. This work builds on Vera's many years of experience measuring the impact of legal access and legal representation programs and, in turn, growing and developing best practices for immigration legal services programs. In MIDA's first year, from March 2022 to April 2023, Vera built the foundation for a multi-year, mixed-methods implementation and impact evaluation focused on the following activities:

- analyzing the past and current landscape of immigration enforcement and detention, unmet representation needs, and legal services capacity in the region, as well as national detention and immigration court trends;
- gaining a comprehensive understanding of the MIDA model and its implementation in the program's first year, including thorough tracking of individual-level case activities;
- identifying and becoming familiar with data sources for use in the evaluation, and where data sources do not exist, developing methodologies for collecting new data to aid in comprehensive impact evaluation; and
- identifying questions that should be included in analysis of the impact of universal representation efforts, in particular of the MIDA program questions that need to be answered in order to understand how to build on this novel program's year one efforts and program infrastructure to ensure growth and sustainability. Vera has paid particular attention to considering novel ways to identify race/ethnicity bias in immigration enforcement—which is widely believed to exist but on which there is almost no research—and how universal representation through MIDA may help address or counteract such bias.

The previously listed activities have aided Vera in selecting the appropriate scientific methodology for an "impact evaluation" that will allow Vera researchers in year two to begin tracking, measuring, and, where relevant, estimating the relationship between representation and outcomes at the individual case and broader social network and community levels, including the regional economy.

The State of Immigration Legal Representation in Illinois before MIDA

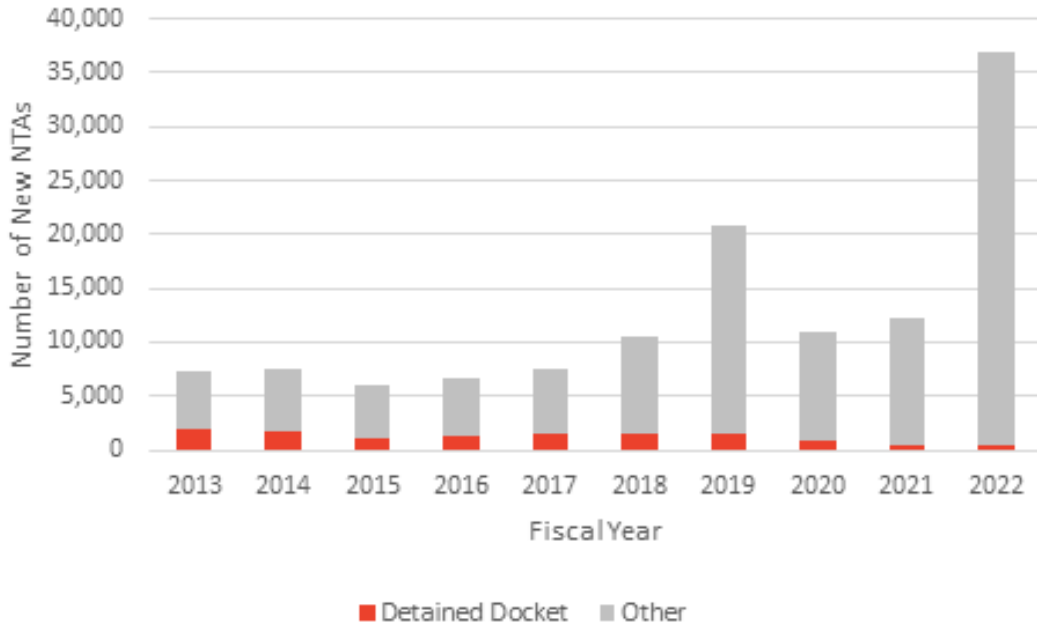
The total number of new deportation cases initiated each year in Chicago has increased over the past few years, with a spike in 2019 and an even bigger increase in 2022 (Figure 1).¹⁶ More new deportation cases were initiated in the Chicago immigration court in 2022 than any year prior. The number of new cases in 2022 was more than the total in 2020 and 2021 combined and a 77 percent increase over the 2019 number.¹⁷ This is on par with national trends, as the number of Notices to Appear (NTAs)—the written charging documents that begin removal proceedings—filed nationally more than doubled from 2021 to 2022.¹⁸ New deportation cases may have increased up until 2019 due to elevated apprehensions at the Southwest border, including apprehensions of people seeking humanitarian protection. Cases dropped in 2020 due to the COVID-19 pandemic and border closure policies, and then surged again in 2022 due to increased desire and ability to migrate. At the same time, the number of new NTAs filed by Immigration and Customs Enforcement (ICE) in the Chicago immigration court for “detained” proceedings has decreased in recent years.¹⁹ In 2013, 28 percent of all deportation proceedings in Chicago were on the detained docket, whereas detained cases comprised only 1 percent of all local deportation cases in 2022.²⁰ However, looking at percentages separate from rising volume of cases does not accurately depict the need for legal representation.

The rising case load and representation rates

The rising case load in the Chicago immigration court threatens to push representation rates to historically low levels. As the number of NTA filings increases nationally, even if the number of cases with representation remains the same or increases, the *rate* of representation will likely decrease, making representation rate alone an inadequate measure of the impact of increased investment in deportation defense. The Chicago detained docket illustrates this. Therefore, the changing volume of cases must be considered together with the representation rate.

Figure 1

New NTAs issued in the Chicago immigration court by fiscal year

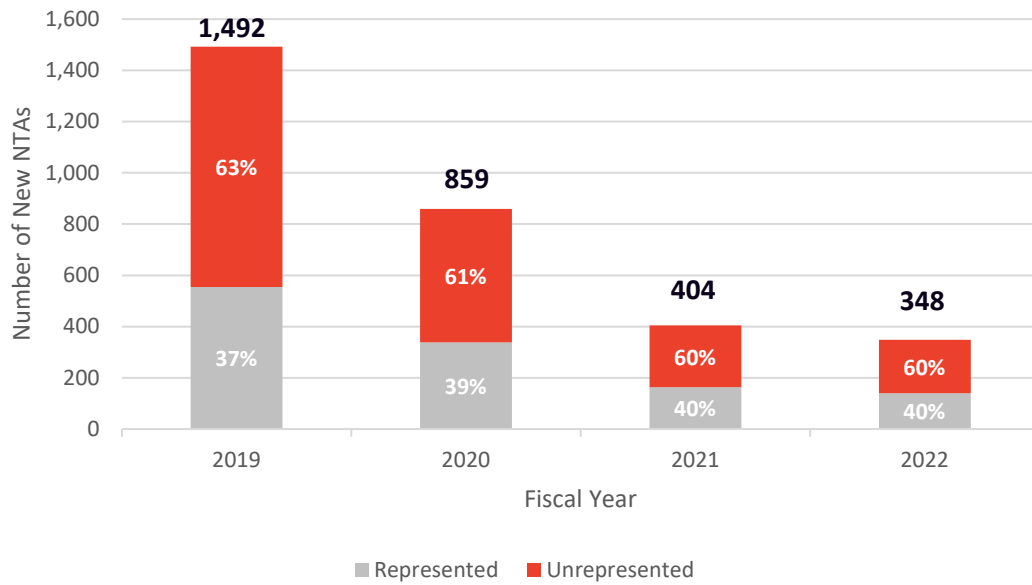


Note: NTAs refers to Notices to Appear. The U.S. federal government’s fiscal year runs from October 1 of the indicated calendar year through September 30 of next calendar year.
Source: Transactional Records Access Clearinghouse (TRAC), “New Proceedings Filed in Immigration Court,” February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

Representation rates for people on the Chicago detained docket have remained low

Since 2019, only 30 percent of people appearing in the Chicago immigration court have gone to court with representation, despite significant year-over-year decreases in the number of people in immigration detention. Looking at a longer time horizon, across all pending and closed deportation cases on the Chicago detained docket over the past 10 fiscal years (2013 to 2022), only 37 percent of cases have involved counsel.²¹ Although the total number of cases on the Chicago detained docket has steadily decreased since 2019, including following the closure of ICE detention centers in Illinois in early 2022, representation rates have remained low, and there have been few organizations providing representation to people in detention, particularly now that detention has shifted to more remote areas many hours away from the Chicago immigration court (Figure 2).²² Representation rates may also be affected not only by volume of cases, but by the types and complexity of the cases before the court.

Figure 2
Representation rates and number of new NTAs on the Chicago detained docket, FY2019 to FY2022



Note: NTAs refers to Notices to Appear. The U.S. federal government's fiscal year runs from October 1 of the indicated calendar year through September 30 of next calendar year.
 Source: Transactional Records Access Clearinghouse (TRAC), "New Proceedings Filed in Immigration Court," as of April 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

Table 1**Case outcomes among completed cases on the Chicago detained docket, FY2001 to FY2023**

Outcome	Represented		Unrepresented	
	N	Percentage	N	Percentage
Relief Granted	1,638	19%	505	2%
Terminate Proceedings	524	6%	183	1%
Other Closure	66	1%	74	0.2%
Total Allowed to Remain in the United States	2,228	26%	762	2%
Removal Order	3,800	44%	28,020	87%
Voluntary Departure*	2,570	30%	3,283	10%
Total Removals and Voluntary Departures	6,370	74%	31,303	98%
Total	8,598	100%	32,065	100%

Note: *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.

Source: Transactional Records Access Clearinghouse, “New Deportation Proceedings Filed in Immigration Court,” as of February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>. Data in this table are from October 2001 through February 2023.

Representation is associated with more positive case outcomes

Cases that had representation on the Chicago detained docket have fared much better in court. Between October 2001 and February 2023, people in immigration detention with counsel successfully obtained the right to remain in the United States in 26 percent of cases (an outcome of relief granted, proceedings terminated, or another type of case closure that did not result in removal), 13 times greater than the 2 percent rate for detained cases without representation (Table 1).²³ In other words, it was nearly impossible for people without lawyers to remain in the United States, with 98 percent of cases ending in a deportation or voluntary departure, compared to 74 percent of cases with attorneys.

Funding for representation on the Chicago detained docket

For the past few decades, federal funding has supported some limited-scope legal access programs like “know your rights” presentations provided locally through the National Immigrant Justice Center. However, Vera’s research has demonstrated that these one-time rights presentations, while helpful, are far less effective than legal representation in helping people access the benefits afforded to them under existing law and achieving case outcomes that allow them to remain in the United States.²⁴

More recently, there has been an increase in local and federal funding for direct representation in immigration court in Illinois, but this has not been adequate to cover the unmet need. Prior to MIDA’s launch, dedicated funding for representation in immigration court in Illinois came from several sources:

- The City of Chicago through the Legal Protection Fund began funding representation for Chicago residents with cases before the Chicago immigration court in 2017.
- Illinois established the Access to Justice Fund in 2019 to provide statewide community-based legal services in immigration matters including deportation defense.²⁵
- In 2020, the Cook County Board of Commissioners began funding immigration services at the Law Office of the Cook County Public Defender, which began to represent people in their deportation proceedings in 2022.
- The Department of Justice funds court-appointed representation through the Nationally Qualified Representative Program for people in detention determined to have indicia of mental incompetency, which has been available to people with cases at the Chicago immigration court since February 2017.²⁶
- For the past few years, some unaccompanied children have received local representation through the Office of Refugee Resettlement–funded Unaccompanied Children’s Program.

While these dedicated funding streams are a crucial step in building a foundation of publicly funded representation and have enabled local organizations to build and sustain larger legal services teams than in the past, they do not adequately meet the representation needs of people held in regional detention centers and whose cases are heard at the Chicago immigration court. Nor do they guarantee equitable access to representation, as different funding streams come with different requirements. For example, the Chicago Legal Protection Fund only provides attorneys for Chicago residents, and only a small portion is allocated to representation of people in detention. Most of the fund covers representation for people whose immigration court cases occur outside of detention or for “affirmative” applications before U.S. Citizenship and Immigration Services for people who are not in deportation proceedings but are eligible to pursue a change in immigration status like citizenship.²⁷ Similarly, many organizations that receive Access to Justice funding do not offer services to people in deportation proceedings, instead focusing on affirmative applications. Only one organization—NIJC—has consistently offered representation to people in detention (sometimes referred to as “detained deportation defense”) to adults. Funding for the CCPD immigration practice is split between detained representation, non-detained representation, and advising public defenders in the criminal legal unit of the immigration consequences of certain convictions, making it insufficient to cover all cases with need.

Thus, while there were multiple sources of funding for representation for which people on the Chicago detained docket may have qualified that existed before MIDA, there has never been—and still is not—sufficient funding in aggregate to provide attorneys to all who are eligible. There is no public funding solely focused on detained deportation defense, nor do these funds address the need to build greater capacity within legal services organizations for detained deportation defense, which is one of the most complex areas of immigration law. At the same time, this is an achievable goal.

The MIDA Model

MIDA organizations have reported their progress in year one directly to the funders. Vera’s observations about the process of implementation in the program’s first year, including information on the landscape of need, clients served, and initial observations about case outcomes are detailed in this report. This detailed process information will allow Vera to account for program design and variation as it develops a comprehensive impact evaluation in the coming year.

Building a community of immigration legal representation practice

As a result of limited public funds allocated for detained deportation defense and how relatively new this funding is, few legal services organizations in Illinois have expertise in this area of practice. This is

reflected in MIDA attorneys' varying levels of experience with this area of practice when the program began. The National Immigrant Justice Center was the only MIDA organization with a preexisting detained deportation defense program, which accepted clients through referrals and orientation sessions rather than from the court docket. The Resurrection Project's immigration practice primarily focused on affirmative relief and non-detained deportation defense, while The Immigration Project had previously provided representation to a small number of children in removal proceedings. While the Law Office of the Cook County Public Defender staff had prior experience representing adults in detention, organizationally, CCPD previously had no immigration practice and had only become authorized to represent individuals in immigration proceedings in August 2021 through the passage of a law permitting such representation.²⁸

Program eligibility

Across the four MIDA organizations, to be eligible for MIDA representation a person must be in deportation proceedings—pursuant to Section 240 of the Immigration and Nationality Act or in withholding-only proceedings after passing a Reasonable Fear Interview—on the Chicago detained docket, have a household income under 200 percent of the federal poverty guidelines, and not already have legal representation. Income is self-reported by potential clients. There is no residency requirement, and no one is excluded because of a past criminal conviction. The MIDA collaborative agreed to a merits-blind method of offering representation. This universal model ensures anyone who meets the eligibility criteria is equally eligible to receive services, regardless of the potential strength of their case. This was a change even for organizations like NIJC that were already practicing deportation defense, but through a referral model. This differs from a “triage model” of intake in which clients are selected for representation based on factors such as perceived likelihood of winning relief, as well as demographic information, past experiences, and other personal characteristics.

Intake

Because MIDA organizations are not yet able to serve everyone who is eligible, they ensure a merits-blind, universal approach by attending court and observing the initial “master calendar hearings” on certain days of the week.²⁹ These observations are where attorneys first make contact with people to offer representation. In the first year of the program, MIDA—in consultation with Vera on research design—determined it would observe initial master calendar hearings for the Chicago detained docket on Mondays, with additional days when capacity allowed. At the end of each week, MIDA attorneys receive docket lists from the court indicating the people with hearings the following week, and when already known to the court, their representation status. The four MIDA organizations rotate being on duty to attend the initial master calendar hearings. They use a collectively maintained spreadsheet in a dedicated MIDA-shared drive to schedule the attorneys' court observation days and track the types of client matters that the attorneys at each organization have capacity to accept.

Between April 25, 2022 and March 24, 2023, there were 669 initial master calendar hearings scheduled on the Chicago detained docket across all days of the week (Table 2). MIDA attorneys are only present to observe court on certain days. On those observation days, some initial hearings end up being reset at the last minute, or clients come to court already represented, resulting in MIDA attorneys observing a subset of the initial hearings. MIDA organizations were able to observe 24 of 29 Monday, one Tuesday, and three Wednesday dockets on which initial hearings were held in the April 2022 to March 2023 study period. Across these days, MIDA attorneys observed 213 initial hearings of individuals (189 on Mondays, two on a Tuesday, and 22 on Wednesdays) or 32 percent of the total 669 initial hearings scheduled during this time period.³⁰

Table 2**Initial hearings on the Chicago detained docket by day of week**

Day of Week	Number of Days with Initial Hearings Scheduled	Number of Days at which MIDA Attorneys Were Present	Number of Initial Hearings Scheduled	Number of Initial Hearings that MIDA Observed
Mondays	29	24	287	189
Tuesdays	8	1	15	2
Wednesdays	33	3	297	22
Thursdays	5	0	6	0
Fridays	10	0	64	0
Total	85	28	669	213

Source: Weekly docket lists distributed by the Chicago immigration court, April 25, 2022 to March 24, 2023, and Midwest Immigrant Defenders Alliance (MIDA) data collected by the National Immigrant Justice Center.

People with hearings on the Chicago detained docket are held in detention facilities in other states, and while nationally ICE does sometimes transport people in its custody for in-person hearings, all detained hearings at the Chicago court currently occur virtually. Due to these logistical challenges, MIDA attorneys are not able to meet with people on the Chicago detained docket before their first court appearance to establish an attorney–client relationship, which would be ideal. Thus, when observing people at their initial master calendar hearings to prescreen for representation, MIDA attorneys instead appear as a “friend of the court” rather than as a person’s representative.³¹

For most of the first year of the program, only one judge was assigned to the Chicago detained docket. MIDA attorneys observing the hearings have reported that the judge encourages people who appear at the initial master calendar hearing without representation to seek continuances to consult with a MIDA attorney rather than proceed unrepresented. As part of the hearing process, the immigration judge explains the MIDA program and the services it offers to each unrepresented person appearing before the court. The judge asks each unrepresented person if they would like to adjourn their case to consult with MIDA attorneys, who are present observing the hearing. If a person indicates that they would like to speak to an attorney, the hearing ends and a new master calendar hearing is scheduled. The MIDA attorney then conducts a prescreening with the person to determine eligibility. For people who decline to consult with a MIDA attorney, the master calendar hearing usually proceeds. This means an unrepresented person appearing in court may be expected to enter pleadings (such as affirm or deny information about themselves and the government’s charges), state the forms of relief they intend to pursue, seek time for additional preparation, or request bond while unrepresented. Typically, if people opt to proceed without MIDA representation at the initial hearing, MIDA attorneys do not subsequently take on the case at a later point.

Originally, the program was designed to offer representation to people at the very beginning of their cases (defined as those who had not yet completed their initial master calendar hearing). In some cases over the course of the first year, MIDA attorneys offered representation on a merits-blind basis to

eligible people who declined screening and chose to proceed with private attorneys. A few of the people who refused screening later lost access to their prior counsel—in some instances because they were unable to continue paying private attorneys’ fees—and reached back out to MIDA. Vera and MIDA organizations agreed that ethical considerations like these should trump any pure intake model—in which clients’ assignment to an attorney (or not) is entirely randomized without any exceptions—that might be implemented solely for evaluation purposes.³²

Screening for eligibility

Even in cases where MIDA attorneys were prepared to screen for eligibility for MIDA representation, not everyone before the immigration court accepted legal screening. As noted previously, not all of the hearings initially scheduled to occur on MIDA observation days actually occurred. Sometimes, by the time the hearing happened, a person had been released or transferred, causing the planned hearing to be reset. In other instances, by the time the hearing occurred, people had already obtained outside representation (presumably unaware that MIDA attorneys would have been able to take eligible cases at no cost). Other people declined screenings or representation they were offered. In year two, Vera intends to analyze more systematically the reasons people decline screenings or representation. In year one, MIDA organizations offered several observations about clients who were reluctant to accept screenings or representation. These include:

- MIDA organizations hypothesized that many people declined screenings/representation because of desperation to pursue whatever option they perceive will help them leave detention fastest, even if those options may not result in the most favorable long-term outcomes. People often choose to proceed with a bond hearing at their first hearing without counsel, or to take an order of deportation, rather than work with an attorney to explore defenses that might result in more time in detention while the case proceeds. For example, MIDA organizations have identified a troubling pattern in which people held at Boone County Jail in Burlington, Kentucky—which has particularly substandard conditions and more impediments to attorney–client access—are more likely to opt to proceed with their case without consulting a MIDA attorney. Despite the rollout of video visitation, one- to two-week delays in attorneys’ ability to schedule phone calls with clients has led to attorneys needing to seek three-week court continuances from the immigration judge in order to facilitate contact with clients.
- MIDA organizations noted people who have been in criminal custody already are also more likely to decline representation as they want to end their cases as soon as possible to leave custody, even if it results in deportation.
- MIDA organizations have also reported differences in interest in the MIDA program based on the duration of a person’s time in the United States. As the MIDA database keeps record of years in the United States, Vera will more closely track that difference in interest by tenure in the United States going forward. MIDA attorneys noted that lawful permanent residents and those who have lived in the United States for relatively longer periods seem more receptive to a consultation. This may possibly be because they are more familiar with the complexities of the immigration system or the way appointed counsel works in the criminal system, and thus they are more likely to understand the need for representation to navigate the convoluted immigration system. Furthermore, they often have stronger family ties to the United States, creating additional incentive and support to fight their cases.
- By contrast, MIDA attorneys have reported that people who have more recently arrived in the United States have been more likely to decline a consultation, perhaps due to less familiarity with government systems.
- People who do wish to retain counsel may have general misconceptions and biases that “free” attorneys do not offer as high-quality representation as private attorneys. Vera has observed changes in these perceptions over time as people witness and experience the impact of high-quality free representation, such as that offered through MIDA.

Vera is working with MIDA organizations to track the screening and representation path each person on the Chicago detained docket takes. These include:

- observed, screened, qualifies for representation, and receives representation;
- observed, screened, qualifies for representation, but does not receive representation (for various reasons ending with the person ultimately declining representation);
- observed, screened, but does not qualify for representation and therefore cannot receive it;
- observed, offered a screening but declines it (which prevents MIDA organizations from determining potential eligibility or reasons people decline);
- not observed, not screened, may or may not qualify for representation; and
- not observed, not screened because already has representation.

Tracking these different pathways will allow Vera to eventually compare case outcomes between groups of people who have different levels of involvement with the MIDA program, beginning in year two of the evaluation and using individual-level data described later in this report.

Case assignment

For people interested in receiving MIDA representation, the attorney on duty confirms eligibility and gathers basic demographic and case information. If the person is eligible, they are assigned to an attorney at one of the four MIDA organizations. The assigned attorney conducts a more in-depth intake over the phone, files a notice of appearance with the immigration court, and appears as the attorney of record at the next master calendar hearing. In the initial year of the program, while organizations were staffing up and developing experience in detained deportation defense, clients were assigned based on institutional experience and capacity. For example, TIP and TRP have primarily represented clients seeking only voluntary departure or bond, while NIJC and CCPD have more frequently represented clients expected to proceed with complex “merits hearings.”³³

Scope of representation

Because MIDA uses a court docket-based intake model, it only represents people in deportation proceedings and whose cases are heard by an immigration judge. This representation extends to bond hearings, which can lead to release from detention before the case has completed in court, and merits hearings, which will determine a case outcome. Because of limited capacity and the fact that some clients move out of state and thus have cases transferred to other non-detained immigration courts, MIDA attorneys are not always able to continue representation for every client released from detention on bond. In some transferred cases, MIDA attorneys may not be familiar with other circuit courts’ laws and procedures. When these circumstances arise, MIDA attorneys withdraw from the case and try to refer or place the client with another attorney where relevant.

Though MIDA is designed to represent clients before the Chicago immigration court, deportation defense is complex litigation that can require representation in ancillary proceedings and multiple appeals. A common ancillary proceeding that people in immigration detention need assistance with is seeking post-conviction relief. Post-conviction relief can include the vacating of old convictions or modifications to a criminal sentence and can open new avenues to immigration relief for clients. While capacity for post-conviction relief at MIDA is very limited, CCPD has pursued post-conviction relief for one MIDA client and plans to continue collaborating with its post-conviction unit in the future to explore offering representation to MIDA clients with Cook County convictions.

Currently, there is not sufficient capacity to offer representation to every client who has a viable appeal to the Board of Immigration Appeals (BIA) or Seventh Circuit, or to file *habeas corpus* petitions in federal district court for clients seeking release when they are being detained in violation of their constitutional

rights.³⁴ However, MIDA organizations are committed to extending representation in these circumstances when possible and appropriate, often in collaboration with NIJC’s federal court litigation team. This team has increased capacity for BIA representation and currently has two fellows focused on expanding access to representation at the BIA. After a period without many *habeas* referrals, MIDA’s expanded work has resulted in a substantial growth in demand for *habeas* representation. NIJC’s litigation team is working on efforts to streamline that work so that MIDA attorneys can provide substantive support and thus speed up the process for seeking release or a new bond hearing via *habeas corpus* proceedings.

If clients are represented on appeals, they sign a new retainer because these matters are outside the scope of the original agreement. NIJC accepts referrals of clients with BIA appeals and federal litigation from other MIDA organizations where such representation would be appropriate. These decisions are made by each provider on a case-by-case basis based on capacity and an assessment of appealable issues. NIJC has accepted one MIDA case for Seventh Circuit representation and has provisionally accepted a second case handled by MIDA partners at CCPD. NIJC is also working on a number of *habeas corpus* cases, including a broader impact-based initiative for people who are granted deferral of removal under the Convention Against Torture, but whom ICE decides to detain for 90 or 180 additional days after the grant of protection.

In its evaluation design, Vera will consider how to account for the scope of representation across different cases, with some ending at the final immigration judge decision, and others continuing on through appeals or possibly obtaining new representation for the appeal portion of the case.

Challenges to service provision

People are held in immigration detention facilities that obstruct client communication. In detention facilities, people are often cut off from family and support networks. Because MIDA attorneys have at least some access to their clients in detention facilities, they are also able to monitor conditions and practices within facilities, identify violations of clients’ rights, and identify advocacy opportunities. Yet, communication remains difficult in many circumstances. With their clients detained in facilities outside of Illinois (especially Boone County Jail in Burlington, Kentucky,) attorneys reported many challenges with communication and case preparation. Remote contact at these detention centers is very limited and detention centers can be unresponsive to requests, requiring repeated follow up. MIDA organizations must then request an adjournment of three weeks—as opposed to the standard two weeks—to conduct an intake and need to split the legal tasks among attorneys and support staff given the difficulties of representation. At other facilities (such as Clay County Jail in Brazil, Indiana) MIDA organizations noted documents must be sent by physical mail, rather than electronically, delaying the signing of key forms.

MIDA attorneys, in collaboration with NIJC’s federal court litigation team, have worked to raise access to counsel concerns at Boone via direct negotiation with the government and via a “demand letter” that warned of future litigation if the issues were not resolved. Though MIDA attorneys observed some improvements in this communication system after these efforts, access to communication has once again become a problem. Accordingly, MIDA staff is working with NIJC’s litigation team to investigate potential next steps.

Additionally, detention issues arising from another facility in the Chicago Immigration Court’s jurisdiction led to a lawsuit filed by NIJC and Sidley Austin LLP against ICE and multiple county officials from Clay County, Indiana. That case, *Xirum v. ICE*, addresses the misuse of funds and deplorable conditions in this jail. Some of the conditions identified in this case relate directly to legal access issues, including lack of access to a law library, the absence of interpretation services in the facility, and violations of confidentiality with respect to attorney–client mail, among others. Understanding the scope of these

impediments to attorney–client access is crucial to appropriate measure of the program’s impact in year two of the study.

Measuring MIDA’s Initial Impact

Data Sources

Vera has worked with MIDA collaborators to combine several datasets to conduct preliminary analyses of the impact of the MIDA program. After one year, Vera found that the program has led to increased representation rates among immigrants in detention in Chicago and increased release rates from detention. In addition, the merits-blind intake structure has improved equity in the immigration court system as to who receives representation.

Data infrastructure

With approval from Vera’s Institutional Review Board, which ensures compliance with federal regulations governing research with human subjects, including appropriate confidentiality and data-handling provisions, Vera and the MIDA organizations agreed to a data collection and sharing model.

Vera is collecting and tracking information on MIDA clients from two primary sources:

- **MIDA intake trackers.** The National Immigrant Justice Center collects data from MIDA organizations on pre-screenings/intakes and case assignments. This information is aggregated by NIJC and shared securely with Vera. In year two, Vera expects to have access to this data in a disaggregated format. This would allow the research team to present a more refined analysis of the patterns by which individuals on the detained docket become MIDA clients or not.
- **Vera’s SAFE (Safety and Fairness for Everyone) database.** Each MIDA organization uses Vera’s proprietary program services database to report on ongoing case activities. Clients accepted by MIDA, who are identified in the MIDA intake tracker, are entered into Vera’s SAFE database. Vera has built this database by harnessing experience and lessons learned from decades of administering and evaluating legal services programs funded by local, state, and federal governments. This system allows Vera researchers to collect standardized case information at the client level, ensuring the team can later produce aggregate statistics that draw on the same categories of information across multiple legal services providers. This system collects quantitative data, allowing Vera research analysts to generate dozens of reports annually for legal services partners on their programmatic activities. The SAFE database also contains the only national dataset of cases represented through the merits-blind representation model over several years, allowing Vera to use an analytical dataset in support of the MIDA evaluation. Therefore, the research team will be able to study both the impact of MIDA representation compared to no representation, as well as what impact MIDA had in relationship to the broader network of universal representation providers in Vera’s SAFE Network over the past several years.³⁵

Vera researchers are combining data on MIDA clients with several other sources of information:

- **Weekly docket lists distributed by the Chicago immigration court.** The Chicago immigration court shares detained docket lists containing standardized information on upcoming hearings before the court. These docket lists are routinely relied on by legal service providers to determine who needs legal services. The MIDA organizations rely on the docket lists to track initial master calendar hearings and to aid in assessing eligibility for representation by referring to information such as existing representation status. These lists allow Vera to track the universe of people on

the Chicago detained docket and compare this against the numbers and demographics of people screened by and accepted for representation by MIDA attorneys.

- **Comprehensive hearing and proceeding level data released monthly by the Executive Office for Immigration Review (EOIR).** EOIR publishes monthly anonymized extracts of all records in its administrative case database. Vera has an extensive understanding of EOIR’s administrative data—and its many idiosyncrasies—that the research team is leveraging to support the evaluation and to streamline the work of obtaining and analyzing client-level immigration court records. These publicly available records include micro-level data at the hearing, proceeding, and case levels. In addition to demographic information of individuals, it also allows for the tracking of case-related information such as representation status, NTA charges, and case outcomes. While the court data does not contain personally identifying information, it is possible to use data science techniques to develop algorithms that match individual clients in the SAFE database and weekly docket lists with records in the publicly available immigration court data, matching on several fields that align across the two datasets (for example, hearing dates, case history and outcomes, and demographic information). This approach allows Vera to isolate MIDA clients in court data and then identify appropriate comparison cases in the same court data. It also allows the research team to understand any trends that may be unique to the group of people being represented by MIDA attorneys or those unrepresented.

Year One Services and Indicators of MIDA’s Impact

MIDA’s merits-blind approach is increasing equitable access to attorneys

Between March 1, 2022 and April 30, 2023, MIDA initiated representation for 108 clients. An additional four clients were represented by the Law Office of the Cook County Public Defender using a universal model and will be included in Vera’s evaluation of the impact of universal representation in year two. Table 3 shows how clients are distributed across MIDA providers.

Table 3**Case status by MIDA organization**

MIDA Organizations	Total Clients	Cases Closed by MIDA Attorneys*	Cases Pending with MIDA Attorneys
Cook County Public Defender	40	27	13
The Immigration Project	17	1	16
The National Immigrant Justice Center	34	24	10
The Resurrection Project	17	11	6
Total Clients across All Organizations	108	63	45

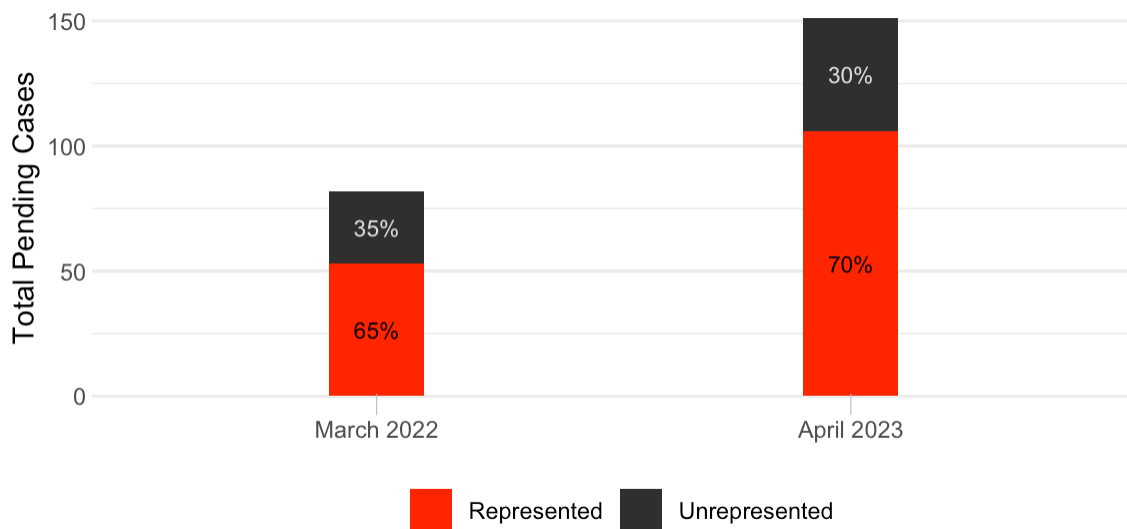
Note: *Cases closed by MIDA attorneys include cases in which MIDA attorneys have stopped working with the client and hence are closed out of the client database. The case is closed either because the client has received a disposition (and/or subsequent appeals that the attorney is handling), the client changed venues, or the attorney withdrew from the case. Source: Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database (New York: Vera Institute of Justice, June 5, 2023).

More people on the Chicago detained docket are being represented one year into MIDA

Vera's work with publicly released immigration court data allows the research team to monitor case trajectories at the individual level over time. Vera used this data to look at the number and portion of cases represented in the first month of the MIDA program and again at the end of April 2023.

Figure 3

Cases represented on the Chicago detained docket, before and one year into MIDA



Source: Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, April 2023, <https://www.justice.gov/eoir/foia-library-0>.

Looking at this snapshot in time one year apart shows that representation rates for pending cases on the Chicago detained docket increased from 65 percent on the eve of MIDA to 70 percent a year later. But this small increase in representation rates does not tell the whole story. While the representation rate for pending cases only increased slightly, the number of pending cases with representation doubled during the first year of MIDA even while the number of pending cases on the docket nearly doubled from 82 to 151 cases. Before MIDA began taking cases, 53 of 82 pending cases had representation at the end of March 2022 compared to 106 of 151 cases at the end of April 2023 (Figure 3).³⁶ Of these 106 pending cases with representation at the end of April 2023, 40 were MIDA clients. Looking at a longer time horizon, the 70 percent representation rate for the Chicago detained docket at the end of MIDA’s first year is nearly double the 37 percent average rate of representation on the Chicago detained docket over the 10 fiscal years prior (2013 to 2022).³⁷

People are winning freedom from detention because of MIDA’s work

Thirty-five percent of the 108 initially detained clients (38 people) were released from detention in the first year of the program, either on bond, release on recognizance (ROR), or parole while their cases were ongoing, or at the conclusion of their case (Table 4). Six of these 38 people had bond-only representation by MIDA. Among the other 32 released MIDA clients, nine still have pending deportation cases represented by MIDA, and 23 cases were closed by MIDA attorneys, meaning the attorneys finished working with their clients, and hence the cases are closed out of the client database. Sixteen of the 23 people who were released in the first year with cases closed by MIDA attorneys were closed because the clients’ cases reached an initial disposition (an initial ruling by the immigration judge) that achieved a successful case outcome. The other seven were released on bond/ROR/parole and closed by MIDA attorneys before their case received an outcome, usually because the client moved to a venue outside of the MIDA area.³⁸

Table 4**Status of MIDA cases**

	Still in Detention	Released from Detention	Deported	Unknown Custody	Total
Removal Proceedings	29	32	28	5	94
Pending with MIDA Attorneys	29	9	0	1	39
<i>Initial Disposition Reached</i>	2	1	0	1	4
<i>Case Pending in Court</i>	27	8	0	0	35
Closed by MIDA Attorneys	0	23	28	4	55
<i>Initial Disposition Reached</i>	0	16	28	0	44
<i>Unknown (Attorney Withdrew)*</i>	0	2	0	4	6
<i>Unknown (Client Changed Venue)</i>	0	5	0	0	5
Bond Only	6	6	0	2	14
Pending with MIDA Attorneys	6	0	0	0	6
Closed by MIDA Attorneys	0	6	0	2	8
Total	35	38	28	7	108

Note: *Though the reason for attorney withdrawal is not always known, some reasons may include conflict of interest with another MIDA client, or the client's decision to move forward with another attorney or pro se, among other reasons.

Source: Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database (New York, NY: Vera Institute of Justice, June 5, 2023).

Case closure time

More than half of the people represented by MIDA attorneys finished working with their attorneys within the same year representation was initiated. Nationally, the immigration courts face a backlog of over 2 million cases and delays in processing time that cause most cases heard outside detention to take years to complete. However, the detained dockets move notoriously quickly, often at the expense of due process. MIDA's approach ensures attorneys are involved from the earliest court appearances, intervening to direct clients onto the right trajectory for their specific cases. Vera intends to systematically analyze how representation may be impacting the trajectory of cases locally and how this compares to processing for unrepresented detained cases. As Table 4 shows, in the first year of the program, more than half of the people's cases had already been closed by MIDA attorneys by the end of April 2023 (63 of 108, or 58 percent). Forty-four of these cases have already received final case completions in immigration court (see Table 7 for case outcome details); 11 were closed because of changes of venue or the attorney withdrawing for other reasons, and eight of the cases closed to MIDA had bond-only representation.

MIDA is achieving high rates of successful case completions

By the end of just the first year of the program, more than one in three clients with completed cases achieved a successful case outcome allowing them to remain in the United States (16 of 44 cases completed in court, or 36 percent of those completed with a known outcome). Thirteen clients won relief, and three lawful permanent resident clients won termination (in other words, had their cases closed by the court) after successfully arguing that they were not removable as charged. Nine clients were granted voluntary departure, and 19 were ordered deported (Table 7). Cases with relief applications or other defenses to deportation tend to take longer to complete than cases without relief options, making it likely that unsuccessful case outcomes are clustered earlier in a period of observation and the rate of successful outcomes will increase over time. Though not reflected in Tables 5–8, two ancillary matters (e.g., post-conviction relief) were initiated and remain open.

MIDA’s universal representation model ensures equity of access to representation

By identifying potential clients through the Chicago detained docket on a merits-blind basis, MIDA organizations have been able to represent people who may otherwise face difficulty securing representation because of lack of resources in their preferred language or lack of long-established community organized around their common nationality or culture to provide referrals. Table 8 is one way to visualize this, looking at how MIDA’s intake model resulted in the program representing a wide range of nationalities at rates equivalent to their distribution on the docket. A notable exception is that MIDA was able to represent an even greater portion of people from less common countries (collapsed into the “other” category in Table 8).

Table 5
Status of MIDA representation (bond-only cases not included)

Status	N	Percentage
Case Still Receiving MIDA Representation	39	41%
Case Reached an Initial Disposition and Closed by MIDA Attorney	44	47%
Case Closed by MIDA Attorneys for Other Reasons*	11	12%
Total	94	100%

Note: * An additional 11 cases are closed by MIDA attorneys due to attorney withdrawal (6) or client changing venue (5). The initial dispositions of these cases are not collected in the client database.

Source: Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database (New York, NY: Vera Institute of Justice, June 5, 2023).

Table 6**Status of cases still receiving MIDA representation (bond-only cases not included)**

Status	N	Percentage
Case Pending in Court	35	90%
Case Reached Initial Disposition, Appeal Pending	4	10%
Total	39	100%

Source: Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database (New York, NY: Vera Institute of Justice, June 5, 2023).

Table 7**Outcomes of cases that reached an initial disposition and closed by MIDA attorneys (bond-only cases not included)**

Outcome	N	Percentage
Total Allowed to Remain in the United States	16	36%
<i>Relief Granted</i>	13	30%
<i>Terminate Proceedings</i>	3	7%
Total Removals and Voluntary Departures	28	64%
<i>Removal Order</i>	19	43%
<i>Voluntary Departure</i>	9	20%
Total	44	100%

Note: Percentages are rounded to the nearest percent, so totals may not add up to the relevant subtotals or the 100 absolute total.

Source: Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database (New York, NY: Vera Institute of Justice, June 5, 2023).

Table 8**MIDA clients' country of origin compared to others on the Chicago detained docket**

Country of Origin	Docket	Docket %	MIDA	MIDA %
Mexico	477	47%	52	57%
Guatemala	93	9%	7	8%
Honduras	89	9%	7	8%
Nicaragua	55	5%	3	3%
Unknown	53	5%	0	0%
Turkey	38	4%	0	0%
El Salvador	24	2%	1	1%
Colombia	16	2%	0	0%
Burma (Myanmar)	10	1%	4	4%
Other*	164	16%	18	20%
Total	1,019	100%	92	100%

Note: *Sixty additional countries of origin are not listed here.

Source: Weekly docket lists distributed by the Chicago immigration court April 25, 2022 to March 24, 2023, internal communication with MIDA organizations, and Vera Institute of Justice, "Safety and Fairness for Everyone Database," private database (New York, NY: Vera Institute of Justice, June 5, 2023).

Languages spoken by MIDA clients

MIDA organizations have been able to represent a linguistically diverse group of clients. Table 9 compares the primary languages of MIDA clients to the Chicago detained docket overall. All languages with more than three speakers are included, as well as any primary language of a MIDA client. MIDA clients overall speak 12 different primary languages, out of a total of 43 languages spoken among individuals on the docket. Table 9 shows that people from less frequent linguistic groups are overrepresented among MIDA clients, with 12 percent of MIDA clients speaking a language other than Spanish, English, or Turkish as opposed to 7 percent of the docket overall. During the first year of MIDA, a group of Turkish people was transferred up to the Chicagoland area from the border. They were all granted bond by ICE and posted their bond, hence were not in need of MIDA representation. In general, MIDA organizations noted Turkish is not among the top ethnicities primarily seen among people on the Chicago docket. However, as border transfers to interior cities continue, diverse language needs may emerge among MIDA clients.

Table 9**Primary language of MIDA clients compared to people on the Chicago detained docket**

Language	Docket	Docket %	MIDA	MIDA %
Spanish	652	64%	64	70%
English	226	22%	15	16%
Turkish	36	4%	0	0%
Not Specified in Data	30	3%	2	2%
Other*	75	7%	11	12%
Total	1,019	100%	92	100%

Note: *Thirty-nine additional primary languages are not listed here, including Arabic, Burmese, Creole, Konjobal, Western (Akateko), Mandarin, Polish, Punjabi, Russian, Spanish Sign Language, and Yoruba.

Source: Weekly docket lists distributed by the Chicago immigration court April 25, 2022 to March 24, 2023, internal communication with MIDA organizations, and Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database (New York, NY: Vera Institute of Justice, June 5, 2023).

The need for access to quality and wide-ranging interpretation and translation services in the Chicago immigration court is apparent. However, language services in court are often inadequate and pose a particular challenge for people who speak indigenous languages or certain dialects. MIDA organizations reported that there were often challenges with the quality and availability of court-provided interpretation services, as the courts only work with interpreter services with which EOIR contracts. Some MIDA organizations reported hiring their own private interpreters for confidential client communications and/or calling the court in advance to ensure that the necessary interpreters were available for the allotted time. MIDA and county funding allows attorneys to better represent third-language speakers—such as Russian, Kinyarwanda, Swahili, and Burmese speakers—that they would not have been able to communicate with effectively in the past. This is an example of how representation is improving due process and equitable access in broader ways than the specific defenses in a case.

Past contact with the criminal legal system of MIDA clients

MIDA also ensures equity in access to representation for people who have had past contact with the criminal legal system. Nationwide, in the 10 fiscal years prior to MIDA (2013 to 2022), 42 percent of people with a criminal charge on their NTA had legal representation for their cases.³⁹ The universality of the MIDA program does not turn clients away based on the merits of their case and ensures people who have a history with the criminal legal system are not barred from access to counsel. This promotes racial equity in a system where Black and brown communities are more likely to have had contact with the criminal legal system.⁴⁰ Of the 108 MIDA clients represented, 44 percent (47 clients) have a felony conviction. Nine of the clients with a felony conviction were themselves victims of domestic or intimate partner violence, trafficking, and/or other crimes. Vera will continue to evaluate the specific impact of representation for people with criminal convictions who are often carved out of representation that is not universal in its approach. Regardless of what may have happened in their past, every person facing the devastating consequences of deportation deserves dignity and due process. Furthermore, immigrants who have been convicted of crimes have already been penalized by the criminal legal

system and should not be further penalized by having legal assistance withheld from them in their removal proceedings when they may be eligible for legal relief from removal.

How the Program Model Contributes to MIDA’s Potential Impact and Sustainability

Vera’s analysis considers not just the impact on case-level outcomes or individual clients but how MIDA’s design and approach may contribute to impact and serve as a model for growth and future endeavors. Initial client outcomes show early signs of a higher likelihood of release from detention and positive case outcomes than are possible without representation, at the same time the merits-blind, universal approach is improving equitable access to representation. The collaborative model and other program features discussed in the sections that follow also show potential to ensure the growth, scalability, and sustainability of a local universal representation infrastructure over the coming years.

Collaboration with local stakeholders

At the launch of the program, MIDA organizations met with the local immigration judge and separately with the prosecuting attorneys at ICE’s Office of the Principal Legal Advisor (OPLA). During these conversations, MIDA organizations reached an agreement with OPLA in which OPLA attorneys agreed not to oppose the requests for adjournments that would allow MIDA organizations to consult with potential clients. As a result of these conversations, ICE also agreed to post MIDA flyers in detention centers with information about the program, providing a way for people held in detention to learn about MIDA services before their initial master calendar hearings. As described previously, the immigration judge advised clients of the availability of representation through MIDA and encouraged people to exercise the right to seek adjournments to confer with counsel. These working relationships are key to programmatic success over time.

In addition, NIJC has been instrumental in work on the *Castañon Nava v. Department of Homeland Security* case, which reached a final order in February 2022. Following this case, local warrantless arrests by ICE decreased substantially in Chicago—a trend that continues to persist. Because Illinois state law further limits cooperation between local law enforcement and federal immigration authorities, immigration arrests have largely involved targeted community apprehensions.

Outside of litigation, NIJC has had long-standing relationships with the EOIR and local ICE offices and regularly participates in stakeholder meetings or engages in direct advocacy with these entities. This experience has helped MIDA in that MIDA attorneys are able to quickly elevate issues with leadership in these agencies. For example, NIJC has initiated conversations with the assistant chief immigration judge for the Chicago immigration court to discuss concerns about new immigration judges and with the assistant field office director for ICE-Kentucky to elevate concerns about limited attorney-client access at Boone County Jail.

Coordination and capacity building

Given MIDA’s collaborative nature and objective of building greater capacity for detained deportation defense across multiple service providers, MIDA organizations proactively built in necessary measures to facilitate coordination and capacity building—something Vera will take into consideration in measuring the impact of this cross-organizational approach. With funding allocated for program management, the NIJC created the MIDA positions of a managing attorney for capacity building and mentorship to coordinate information and resource exchange, and a project manager to oversee data collection and reporting across organization. With the support of this staff, MIDA developed uniform

processes for tracking intakes and gathering client information across organizations. MIDA also instituted channels of regular communication and knowledge-sharing among management and staff. MIDA staff have opportunities to build the substantive legal knowledge required for deportation defense through convenings, monthly trainings, weekly office hours, and a dedicated resource library organized by these operations staff and contributed to by all MIDA staff. Supervisors from all MIDA organizations meet monthly to align practices across programs, and all MIDA staff meet every three weeks for case rounds in which attendees share program updates and guidance on how best to contact detention centers and strategize as a group on cases or recurring issues. Information is also exchanged in a dedicated MIDA listserv and memorialized in a shared drive that includes recordings of trainings, instruction manuals, detention facility information, templates, resources for various types of applications, and docket lists.

A shift in institutional culture

As a result, MIDA overall has shifted the organizations' culture more toward considering improving equity and due process, as opposed to solely outcomes, as "wins." Some MIDA attorneys have needed to shift their expectations to consider the challenges, smaller caseloads, and increased time commitments of working in detained defense, as opposed to other non-detained immigration or public defense. Many MIDA staff members expressed that a merits-blind intake process simultaneously reduced frustration and disappointment they previously faced in explaining to potential clients that they did not qualify for services under a triage model. MIDA staff also had a changed understanding of what defines a "strong case." For example, some staff expressed noticing that certain cases that they initially thought did not have as strong a claim as others turned out to have very meritorious claims after staff explored further forms of relief, which would not have been realized under a triage system.

Investment in organizational capacity building

Robust funding for larger teams and/or more competitive salaries, particularly within organizations without prior experience in deportation defense, may help build a critical mass of staff to create a distinct team culture and infrastructure around providing deportation defense to people in detention. This robust funding may also attract more experienced attorneys to supervise and support the new and developing team and help prevent staff burnout and turnover. MIDA organizations noted that having a larger team also helps minimize the disruption caused by individual departures: on a small team, if the most experienced attorney leaves, their departure may have outsized impacts and affect the types of cases the team as a whole can take. At the same time, given some MIDA attorneys were not trained before the start of the program in detained immigration defense, Vera has learned that investments in MIDA organizations' capacity building are necessary for the sustainability and scalability of the program.

Holistic services

Combining legal services with other holistic services such as social work services is important for both clients and retention of staff. Two of the four organizations have been able to hire a social worker or support services coordinator to assist MIDA clients across the organizations with their legal cases and support clients' emotional and physical well-being. These staff members help bolster clients' bond cases by preparing post-release plans that ensure that clients will have the housing, resources, and supportive services necessary to reintegrate into the community. With their help, clients who have been released have been able to apply for public benefits and identity documents needed to support their defense. For clients who remain detained and are cut off from support networks, they provide emotional support and counseling and can help support families traveling to attend hearings or visit their loved ones in detention.

The Potential for Broader Impact

Universal representation programs have impacts that radiate far beyond the immediate individual people who receive representation. Program data makes clear that by having representation, immigrants are more likely to be able to return to their communities, minimizing disruptions to families, communities, and local economies.

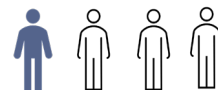
Immigrants in the Midwest have deep, long-standing ties to their local communities

Among the region's foreign-born residents, half (51 percent) are naturalized citizens who achieved that status by progressing through legal processes.⁴¹ The other half, another nearly 2.5 million people—including longtime permanent residents, visa holders, unaccompanied children seeking protections, and other noncitizens—are at risk of deportation by nature of the precariousness of their immigration statuses. Of those 2.5 million, 854,500 live in Illinois. The vast majority of noncitizens in Illinois have spent more than a decade in the United States. Seventy-one percent of noncitizens have lived in the country since 2009 or earlier and nearly half (47 percent) for more than 20 years.⁴² Still, people without U.S. citizenship remain at risk of deportation.

Many children in Illinois live in homes with immigrant parents




One in four children (27 percent, or more than 721,000 children) in Illinois have at least one foreign-born parent.⁴³ Nearly all (90 percent) of these children with at least one foreign-born parent were born in the United States.⁴⁴ Moreover, 251,000 children in Illinois have only noncitizen parents and 54,000 children live in a single-parent home with a noncitizen parent, who could be at risk of deportation.⁴⁵ Beyond facing psychological and emotional trauma, children of deported parents are more likely to experience future housing insecurity and economic instability.⁴⁶ Among the MIDA clients represented in year one, nearly one in three (29 percent) are parents to children living in the United States. Eighty-four percent of the children of MIDA clients are U.S. citizens.

1 in 4 children in Illinois has at least one foreign-born parent.



Immigrants contribute to the Illinois and Chicago economies and play a crucial role in filling essential jobs

The majority (66 percent) of noncitizens in Illinois are of prime working age (25 to 54) compared to 50 percent of naturalized citizens and 37 percent of the U.S.-born population.⁴⁷ Employment rates of immigrants, both noncitizens and naturalized citizens, in the state are comparable to those for the U.S.-born population.⁴⁸ Of MIDA clients for whom employment status prior to detention is known, 68 percent were employed in the 12 months prior to being detained, a higher employment rate than the overall Illinois and Chicago population.⁴⁹ While immigrants make up 14 percent of the population in Illinois, they comprise 18 percent of the labor force, often taking grueling jobs in industries that struggle to hire.⁵⁰ In core industries such as manufacturing and construction, immigrants account for 25 percent of the workforce.⁵¹

1 in 6 workers 
1 in 4 manufacturing workers 
1 in 4 construction workers 
in Illinois is an immigrant

In the City of Chicago one in four people (23 percent) in the workforce is an immigrant.⁵²

There are more than 114,800 immigrant entrepreneurs in the larger Chicago metro area and immigrants are 49 percent more likely to be entrepreneurs than are U.S.-born Chicago residents.⁵³ In 2019, the foreign-born population in the Chicago metro area contributed \$20.6 billion in taxes, including \$7.6 billion in state and local taxes.⁵⁴ According to 2016 data, even after contributing to taxes, immigrants had disproportionately higher spending power in the Chicago metro area than U.S.-born residents.⁵⁵ Immigrants' spending power has only increased since then.⁵⁶

Systematically Measuring Impact in Year Two of the MIDA Program

Initial evidence from year one of the MIDA program shows that the program is increasing the number of people in detention who have access to representation in the Chicago immigration court, as well as equity in access to representation, while simultaneously yielding positive outcomes for people who participate in the program. Throughout the first year of the program, the MIDA organizations developed and implemented an intake model that is not only more equitable than former triage models but has set up the programmatic and data environment that will allow Vera to conduct a robust impact analysis going forward. Beyond observing outcomes, going forward Vera will study and quantify representation's effects, controlling for other factors that might impact the chances of successful case outcomes and comparing those with MIDA representation to similarly situated people who go to court without representation.

Individual case outcomes

Vera will study the impact of universal representation on case outcomes, the likelihood of being released from detention on bond, and bond amount—among other outcomes—using sophisticated quantitative methods. Because the MIDA database includes only information about people represented by MIDA attorneys, not people who are unrepresented or who have outside legal representation, merging data on MIDA clients to various sources of EOIR data will allow Vera to compare the case outcomes of persons with and without MIDA representation.

MIDA has designed an intake model that is equitable and uses docket day, rather than case characteristics, to select clients. Yet participation in the MIDA program is voluntary and those who opt in and out of the program on the days representation is offered may systematically differ. Therefore, researchers cannot merely directly compare the outcomes of those with MIDA representation and those without MIDA representation and know for certain what is causing any potential differences in outcomes.⁵⁷ For example, those who opt into MIDA representation may do so because they generally think they have a more complex case than those who opt out. Alternatively, those who opt out of MIDA representation may do so because they are generally more unfamiliar with or distrusting of attorneys.

Therefore, those who are represented by MIDA attorneys might overall be more or less likely to have better or worse case outcomes, but this would not accurately reflect *the impact of having representation* on people’s case outcomes. Therefore, comparing those represented and unrepresented directly will not allow researchers to isolate the true effect of universal representation on case outcomes, so a different methodological approach is needed.

To address these concerns, Vera researchers have designed a quasi-experimental quantitative methodology that uses a proxy for random assignment, in the absence of a truly random assignment, called an “instrumental variables” approach. Vera researchers will implement this methodology in the second year of the evaluation to make it possible to measure if universal representation is the *cause* of differences in outcomes between represented and unrepresented people and to explore the strength of any causal relationship.

This methodology relies on the “randomness” in the program intake system, rather than randomness—or lack thereof—in actually having MIDA representation or not. While people’s participation in the MIDA program can be voluntary, the day of the week on which their initial master calendar hearing falls and whether a MIDA attorney is present to accept new clients on that day is random—meaning it is something that they do not have control over and should not independently impact the outcome of their case. An instrumental variables analysis will control for all other factors that might cause differences in case outcomes, such as demographic characteristics, charges on the Notice to Appear (NTA), past criminal convictions, and many other variables, allowing Vera to isolate just the effect of having MIDA representation. Thus, even though people in the sample who do or do not have representation, or have their initial master calendar hearings on different days of the week, may differ along these demographic or other dimensions, the research design will isolate the impact of universal representation via MIDA.

National comparison

In addition to looking at the differences in outcomes locally between MIDA and non-MIDA clients, Vera intends to compare the outcomes of the MIDA program to other publicly funded universal representation programs nationally, situating MIDA in a broader framework to allow researchers to compare cases represented by universal models (which Vera has been collecting data on via the SAFE Network) to non-represented cases nationally over multiple years. This will allow for comparison of case outcomes, bond hearing outcomes, bond amounts, and time spent in detention, among other outcomes.

Impact on local economies and communities

With the quantitative methodology its researchers will implement, Vera will be able to measure how much sooner people with MIDA representation overall secure release from detention and are able to return home to their homes, jobs, and families. Combining this approach with qualitative research that centers impacted people will allow Vera to demonstrate the more expansive impacts of representation beyond individual case outcomes. By exploring what it means for people to fight their cases from outside of detention and remain in the community and the United States, Vera will gain the perspective of those most immediately impacted by the program. Being detained can have damaging effects on people’s lives, such as the loss of jobs or homes, that are not easily reversed following detention. Vera will study the prevalence of these severe disruptions through qualitative interviews. These and other inputs, including data the program is collecting on people’s employment before detention, will allow Vera over time to project the broader impact on social networks and local communities, including household and local economies.

Impact of universal representation on due process and court process

As described earlier in this report, the collaborative approach MIDA has implemented with the local immigration judge and ICE office has helped improve the court process by having the parties agree to principles and timelines for case adjournments when MIDA representation is involved. As the evaluation evolves, Vera will study the ways universal representation may be improving both due process and court process. For example, by providing representation early in a case, MIDA is likely reducing the number of court continuances people request simply to seek representation or because they need time to prepare without the assistance of counsel. By merging the MIDA client data to EOIR and docket data and by tracking the screening and representation path each person on the Chicago detained docket takes, Vera researchers will be able to track the pathways of MIDA clients versus others.

Identifying racial, ethnic, and linguistic bias in the immigration system

Representation alone will not erase bias and due process challenges, but it is an important part of achieving greater fairness. While bias is widely reported by people who have been impacted by the system and widely understood to pervade the immigration system, there is almost no systematic research on this. To explore the existing biases in the immigration system and how representation through a merits-blind system may improve equity, Vera has paid particular attention to considering novel ways to identify race/ethnicity bias in immigration enforcement and how best to capture potential dynamics of race/ethnicity bias in immigration court. Vera has also developed a methodology and preliminary analysis showing racial bias in ICE arrests, which it will expand and incorporate into the broader evaluation. Showing that the process by which people enter the immigration system is inherently biased provides further justification for *universal* representation. If racial bias exists in the deportation pipeline, a triage model that determines eligibility for representation based on the likelihood of winning one's case would itself be racially biased.

Scaling and Sustainability

Beyond systematically exploring the impact of representation, Vera is also working with local partners to make recommendations for longer-term scaling and sustainability, factoring in the time and resources required for and challenges to capacity building, as well as highlighting programmatic approaches that facilitate sustainability and scaling given the realities of caseloads and unmet need. Over time, Vera will work with partners to project the cost of more expansive, publicly funded representation and appropriate mechanisms and timelines for systematically expanding and entrenching this work locally.

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About citations

As researchers and readers alike increasingly rely on public knowledge made available online, “link rot” has become a widely acknowledged problem for creating useful and sustainable citations. To address this issue, the Vera Institute of Justice is experimenting with the use of Perma.cc (<https://perma.cc>), a service that helps scholars, journals, and courts create permanent links to the online sources cited in their work.

Credits

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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. For more information about this report, contact Jacquelyn Pavilon, associate director of research, at jpavilon@vera.org.

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Endnotes

¹ Under a “merits-blind” model of representation, clients are offered legal counsel without considering the likelihood that their case will have what has traditionally been considered a “successful” outcome in immigration court—such as a grant of immigration status or termination of deportation proceedings.

² The Chicago “detained” docket is a management tool to track cases before the Chicago immigration court of people held in immigration detention at the time of their hearing. The cases heard before the Chicago immigration court are not exclusively of Illinois residents.

³ “Master calendar hearings” are preliminary immigration court hearings in which people are informed by the court of their rights and the availability of pro bono legal services, people contest or concede to claims by the Department of Homeland Security that they are deportable, the court sets deadlines for filing evidence and motions and a “merits hearing” or “individual hearing,” where the court hears evidence and adjudicates applications for relief.

⁴ Seventy-one percent of noncitizens in Illinois have been in the United States since 2009 or earlier. Forty-seven percent of noncitizens in Illinois have been in the United States for more than 20 years. 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 2021 5-Year Estimates (Minneapolis, MN: University of Minnesota, 2021), <https://usa.ipums.org/usa/>.

⁵ Ruggles, Flood, 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 2021 5-Year Estimates (Minneapolis, MN: University of Minnesota, 2021), <https://usa.ipums.org/usa/>. Twenty-three percent of people in the City of Chicago workforce is an immigrant.

⁶ Transactional Records Access Clearinghouse (TRAC), “New Proceedings Filed in Immigration Court,” database (Syracuse, NY: Syracuse University, February 2023), <https://trac.syr.edu/phptools/immigration/ntanew/>. Case outcomes that establish the right to remain in the United States include relief granted, proceedings terminated, and other closures such as administrative closures and grant of temporary protected status. For more information on each outcome, please see TRAC, “About Immigration Court Data,” https://trac.syr.edu/phptools/immigration/backlog/about_data.html.

⁷ The Law Office of the Cook County Public Defender began taking a few cases in March 2022, while the other Midwest Immigrant Defenders Alliance (MIDA) organizations began in May 2022.

⁸ During the first year of MIDA, a group of Turkish people was transferred up to the Chicagoland area from the border. They were all granted bond by Immigration and Customs Enforcement (ICE) and posted their bond, hence were not in need of MIDA representation. In general, MIDA organizations noted Turkish is not among the top ethnicities primarily seen among people on the Chicago docket. However, as border transfers to interior cities continue, diverse language needs may emerge among MIDA clients.

⁹ Urban Institute, “Children of Immigrants Data Tool,” database (Washington, DC: Urban Institute, 2024), <https://children-of-immigrants-explorer.urban.org/pages.cfm>. Using primary data sources for the statistics in the Children of Immigrants Data Tool are the Integrated Public Use Microdata Series (IPUMS) datasets (Ruggles, Flood, Sobek, et al., “IPUMS USA: Version 15.0” database, American Community Surveys, 2005–2021, 2022).

¹⁰ Urban Institute, “Children of Immigrants Data Tool,” 2024 and Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database (New York: Vera Institute of Justice, June 5, 2023).

¹¹ U.S. Census Bureau, “2021 American Community Survey 5-Year Estimates: Selected Characteristics of the Native and Foreign Born Populations,” Table S0501, 2021, https://data.census.gov/table?q=S0501:+SELECTED+CHARACTERISTICS+OF+THE+NATIVE+AND+FOREIGN-BORN+POPULATIONS&g=020XX00US2_040XX00US17_160XX00US1714000&tid=ACST5Y2021.S0501.

¹² Ibid.

¹³ National Conference of State Legislatures, “Racial and Ethnic Disparities in the Criminal Justice System,” May 24, 2022, <https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system>.

¹⁴ Under a “merits-blind” model of representation, clients are offered legal counsel without considering the likelihood that their case will have what has traditionally been considered a “successful” outcome in immigration court—such as a grant of immigration status or termination of deportation proceedings.

¹⁵ The Chicago “detained” docket is a management tool to track cases before the Chicago immigration court of people held in immigration detention at the time of their hearing. The cases heard before the Chicago immigration court are not exclusively of Illinois residents.

¹⁶ TRAC, “New Proceedings Filed in Immigration Court,” database (Syracuse, NY: Syracuse University, February 2023), <https://trac.syr.edu/phptools/immigration/ntanew/>. This data captures cases rather than individuals, as it is possible that a person has more than one Notice to Appear (NTA) if their case was ongoing when another NTA was filed.

¹⁷ TRAC, “New Proceedings Filed in Immigration Court,” February 2023.

¹⁸ Ibid.

¹⁹ “Detained” proceedings here refer to deportation proceedings for persons held in immigration detention. They are counted in the Chicago immigration court as the number of new NTAs filed on the Chicago detained docket.

²⁰ TRAC, “New Proceedings Filed in Immigration Court,” February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

²¹ TRAC, “New Proceedings Filed in Immigration Court,” February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

²² TRAC, “New Proceedings Filed in Immigration Court,” April 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>. People on the Chicago detained docket are not held in detention in Chicago. Public Act 102-234, also called the “Illinois Way Forward Act,” was signed into law by Illinois governor J.B. Pritzker on August 2, 2021. The act ended immigration detention in Illinois by prohibiting state and local governments from signing contracts with ICE to hold people in immigration detention facilities. This has withstood legal challenges, and currently, ICE does not operate any detention facilities in the state of Illinois. This legislation also expanded protections for immigrants by placing limits on the ability of state and local law enforcement in Illinois to work with ICE. Illinois General Assembly, Public Act 102-0234 (2021), <https://perma.cc/J4K3-325X>.

²³ Other closure includes administrative closures or temporary protected status. For more information on each outcome, please see TRAC, “About Immigration Court Data,” https://trac.syr.edu/phptools/immigration/backlog/about_data.html.

²⁴ Nina Siulc, Zhifen Cheng, Arnold Son, and Olga Byrne, *Legal Orientation Program: Evaluation and Performance and Outcome Measurement Report, Phase II* (New York: Vera Institute of Justice, 2008), <https://perma.cc/K9K9-APAL>.

²⁵ Illinois Access to Justice, accessed May 2023, <https://ilacesstojustice.com/about-us/>.

²⁶ Vera internal communication with the Executive Office for Immigration Review (EOIR).

²⁷ Clients with “defensive” immigration cases have been charged by the Department of Homeland Security (DHS) as deportable and face removal proceedings in immigration court. Clients with “affirmative” cases apply for relief outside of a court setting. MIDA organizations that primarily represent people in affirmative cases often represent people in applications before U.S. Citizenship and Immigration Services, including applications for Deferred Action for Childhood Arrivals, relief for survivors of crime including U visas and T visas, and applications for citizenship.

²⁸ Illinois Public Act 102-0410 was signed into law by Governor J.B. Pritzker on August 23, 2021 and took effect in January 2022, amending the Counties Code such that public defenders offices in counties with a population over 3 million could, with the agreement of the county board, represent people in cases before the immigration court located in the county. Illinois General Assembly, Public Act 102-0234 (2021), <https://perma.cc/J4K3-325X>.

²⁹ Master calendar hearings are preliminary immigration court hearings in which people are informed by the court of their rights and the availability of pro bono legal services. At master calendar hearings, people contest or concede to claims by DHS that they are deportable and the court sets deadlines for filing evidence and motions and then holds a “merits hearing” or “individual hearing,” where the court hears evidence and adjudicates applications for relief.

³⁰ From April 25, 2022 through April 30, 2023, MIDA attorneys observed 230 initial hearings for potential client representation. The counts given in this paragraph and Table 2 reflect observations through March 24, 2023 only because Vera has not yet been able to obtain data from the Chicago immigration court’s weekly docket lists past this date.

³¹ An individual or organization can appear as a “friend of the court” in immigration court to help people without counsel understand the proceedings, their rights, and their options, but does not provide legal representation and cannot submit filings.

³² Randomized control trials (RCTs) are evaluation models that are considered the gold standard for analyzing the impact of programs. In this experimental research design around pilot projects, individuals are randomly assigned to a program (such as receiving attorney representation) or not, without exception. Because some exceptions were made for ethical reasons, Vera and MIDA are not using a “pure” RCT intake model.

³³ At merits hearings, people before the immigration court must present arguments for why they should be permitted to remain in the United States, which may include applications for asylum or other forms of immigration status, or motions to terminate the removal proceedings. Representation in voluntary departure cases is typically less involved and does not contest the DHS’s allegations that an immigrant is deportable. Under Section 240(B) of the Immigration and Nationality Act, in cases in which a person requests voluntary departure to avoid a final order of removal, they waive all claims to relief and show they have the intent, documentation, and means to depart from the United States.

³⁴ The first level of appeal of a decision in immigration court is to the Board of Immigration Appeals (BIA). The BIA is an adjudicatory body that, like immigration courts, is housed under the Executive Office for Immigration Review (EOIR). BIA decisions may be reviewed by federal courts like the Seventh Circuit, which has jurisdiction over Illinois, Indiana, and Wisconsin. Unlike the BIA and immigration courts, which are under federal executive control, circuit courts are under federal judicial control.

³⁵ Launched by Vera in 2017, the SAFE Network is a unique collaboration of government leaders, legal service providers, and community-based advocates working to start up universal representation programs across the country. See <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative>.

³⁶ Executive Office for Immigration Review, “FOIA Library,” EOIR Case Data, April 2023, <https://www.justice.gov/eoir/foia-library-0>.

³⁷ TRAC, “New Proceedings Filed in Immigration Court,” February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

³⁸ In these counts, clients are presumed to be released if their case disposition reached a successful outcome of relief granted or termination. However, in some cases, being granted relief may not guarantee release, as ICE has discretion to release someone in cases where DHS is appealing the decision.

³⁹ TRAC, “New Proceedings Filed in Immigration Court,” February 2023, <https://trac.syr.edu/phptools/immigration/ntanew/>.

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- ⁴⁰ National Conference of State Legislatures, “Racial and Ethnic Disparities in the Criminal Justice System,” May 24, 2022, <https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system>.
- ⁴¹ The Midwest includes the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.
- ⁴² Analysis of Steven Ruggles, Sarah Flood, Matthew Sobek, et al., IPUMS USA, U.S. Census Data for Social, Economic, and Health Research, American Community Survey 2021 5-Year Estimates (Minneapolis, MN: University of Minnesota), <https://usa.ipums.org/usa/>.
- ⁴³ Children includes anyone under the age of 18. U.S. Census Bureau, “2021 American Community Survey 1-Year Estimates: Age and Nativity of Own Children Under 18 Years in Families and Subfamilies by Nativity of Parents,” Table C05009, 2021, <https://data.census.gov/table?q=aAGE+AND+NATIVITY+OF+OWN+CHILDREN+UNDER+18+YEARS+IN+FAMILIES+AND+SUBFAMILIES+BY+NATIVITY+OF+PARENTS&g=040XX00US17&tid=ACSDT1Y2021.C05009>.
- ⁴⁴ Ibid.
- ⁴⁵ Urban Institute, “Children of Immigrants Data Tool,” database (Washington, DC: Urban Institute, 2024), using data from the American Community Survey, <https://children-of-immigrants-explorer.urban.org/pages.cfm>.
- ⁴⁶ Yajaira Cecilia Navarro and Tanya Maria Golash-Boza, “‘Trauma Makes You Grow Up Quicker’: The Financial & Emotional Burdens of Deportation & Incarceration,” *Dædalus*, Spring 2021, <https://perma.cc/3MPE-MSA9>.
- ⁴⁷ The prime working age population is defined as those aged 25 to 54 consistent with Bureau of Labor Statistics. See Donna Rothstein, “Men Who Do Not Work During Their Prime Years: What do the National Longitudinal Surveys of Youth Data Reveal?” *Beyond the Numbers* 8, no. 11 (2019), <https://www.bls.gov/opub/btn/volume-8/male-nonworkers-nlsy.htm>; U.S. Census Bureau, “2021 American Community Survey 5-Year Estimates: Selected Characteristics of the Native and Foreign-Born Populations,” Table S0501, 2021, https://data.census.gov/table?q=S0501:+SELECTED+CHARACTERISTICS+OF+THE+NATIVE+AND+FOREIGN-BORN+POPULATIONS&g=020XX00US2_040XX00US17_160XX00US1714000&tid=ACSST5Y2021.S0501.
- ⁴⁸ U.S. Census Bureau, “2021 American Community Survey 5-Year Estimates: Selected Characteristics of the Native and Foreign-Born Populations,” Table S0501, 2021, https://data.census.gov/table?q=S0501:+SELECTED+CHARACTERISTICS+OF+THE+NATIVE+AND+FOREIGN-BORN+POPULATIONS&g=020XX00US2_040XX00US17_160XX00US1714000&tid=ACSST5Y2021.S0501.
- ⁴⁹ U.S. Census Bureau, “2021 American Community Survey 5-Year Estimates: Selected Characteristics of the Native and Foreign-Born Populations,” Table S0501, 2021, https://data.census.gov/table?q=S0501:+SELECTED+CHARACTERISTICS+OF+THE+NATIVE+AND+FOREIGN-BORN+POPULATIONS&g=020XX00US2_040XX00US17_160XX00US1714000&tid=ACSST5Y2021.S0501, and Vera Institute of Justice, “Safety and Fairness for Everyone Database,” private database (New York: Vera Institute of Justice, June 5, 2023).
- ⁵⁰ U.S. Census Bureau, “2021 American Community Survey 5-Year Estimates: Selected Characteristics of the Native and Foreign-Born Populations,” Table S0501, 2021, https://data.census.gov/table?q=S0501:+SELECTED+CHARACTERISTICS+OF+THE+NATIVE+AND+FOREIGN-BORN+POPULATIONS&g=020XX00US2_040XX00US17_160XX00US1714000&tid=ACSST5Y2021.S0501.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ New American Economy (NAE), “Chicago Metro Area,” <https://perma.cc/E7TF-HYTY>. Accessed on April 2, 2023. Information shared at the NAE’s website is periodically updated, so the numbers reported here may not match what is posted at the NAE website at a later date.
- ⁵⁴ Ibid.
- ⁵⁵ New American Economy, *New Americans in Chicago* (New York: New American Economy, 2018), using data from 2016, <https://perma.cc/7QBG-MBKZ>.
- ⁵⁶ Vera Institute of Justice, *Profile of the Foreign-born Population in Chicago, Illinois* (New York: Vera Institute of Justice, 2017), <https://www.vera.org/downloads/publications/profile-foreign-born-population-chicago.pdf>.
- ⁵⁷ A “direct comparison” refers to performing an ordinary least squares regression with the outcome of interest regressed on a dummy variable for having MIDA representation and a set of control variables.