

# Public Support in the United States for Government-Funded Attorneys in Immigration Court

May 2020  
Policy Brief

The Vera Institute of Justice (Vera) partnered with the survey firm Lucid to conduct a public opinion poll to explore attitudes toward government-funded attorneys for people in immigration court in the United States. The survey was fielded online in September 2019 and included 6,000 adults (18 years and older) living in the United States. The survey sample closely approximates the U.S. population in terms of demographics and political affiliation (although Latinx people were slightly underrepresented in the sample).<sup>1</sup> The survey asked respondents about the importance of access to attorneys and whether they supported or opposed government-funded legal representation for people in immigration court, among other questions.

## Key findings

**Ninety-three percent of people in the United States believe that access to attorneys for all people, including those in immigration court, is (somewhat or very) important.** This belief is pervasive, held by:

- > 94 percent of likely voters;
- > 97 percent of people who self-identify as Democrats, 89 percent of those who self-identify as Republicans, and 91 percent of people who do not identify with either party; and
- > 98 percent of Clinton voters, 89 percent of Trump voters, and 95 percent of those who voted for third-party candidates (among those who voted in the 2016 presidential election).

**Eighty-seven percent of people in the United States support government-funded attorneys for people in immigration court.** This support is widespread, existing among:

- > 86 percent of likely voters;
- > 96 percent of people who self-identify as Democrats, 76 percent of those who self-identify as Republicans, and 87 percent among people who do not identify with either party; and
- > 97 percent of Clinton voters, 73 percent of Trump voters, and 91 percent of people who voted for third-party candidates (among those who voted in the 2016 presidential election).

**Even among people who oppose immigration to the United States, the vast majority, more than 70 percent, support the government funding attorneys for people in immigration court.**

The next sections include details about these results and additional findings.

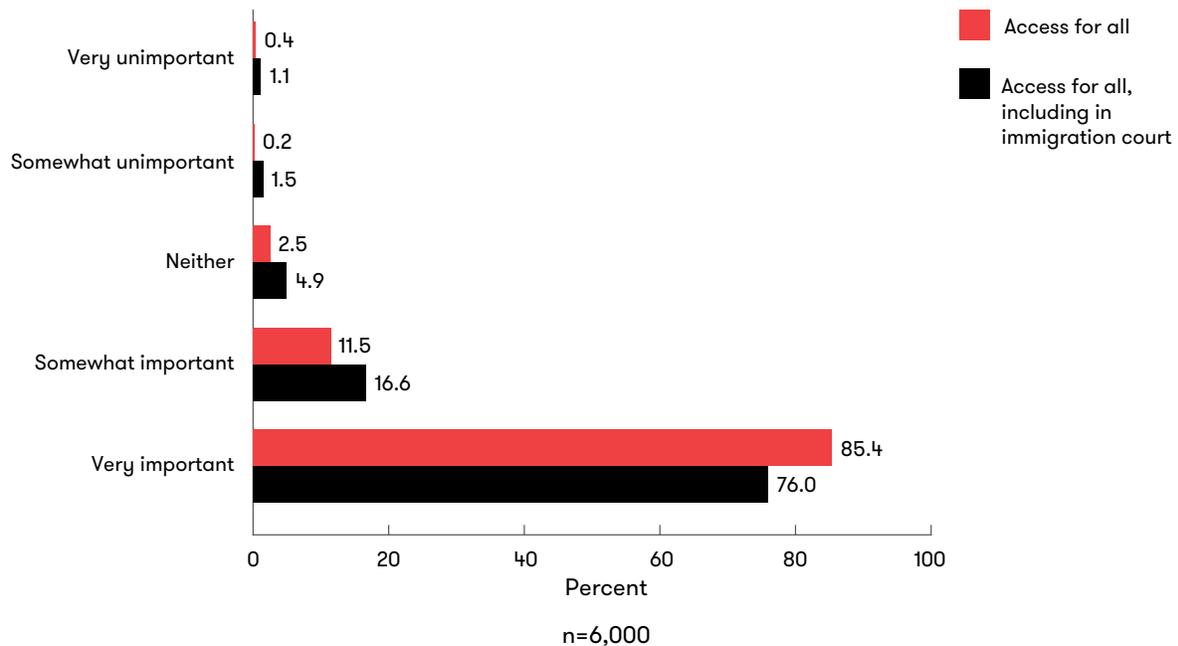
## Access to attorneys

In the survey, respondents were randomly assigned to answer either question one or two, below.

1. How important is it for all people to have access to an attorney in a court of law?
2. How important is it for all people, including people in immigration court, to have access to an attorney in a court of law?

These questions are nearly identical, except that question one asks about access to attorneys in court generally, while question two specifies the inclusion of immigration court. Randomly assigning respondents to answer one question allows for a comparison of attitudes on whether representation in court is a right that people in the United States generally value (in question one) and, separately, whether people hold this belief when people in immigration court are explicitly included (question two). Answer options for both questions are: very important, somewhat important, neither important nor unimportant, somewhat unimportant, and very unimportant. Responses to questions one and two are presented in Figure 1.

**Figure 1: Importance of access to an attorney**



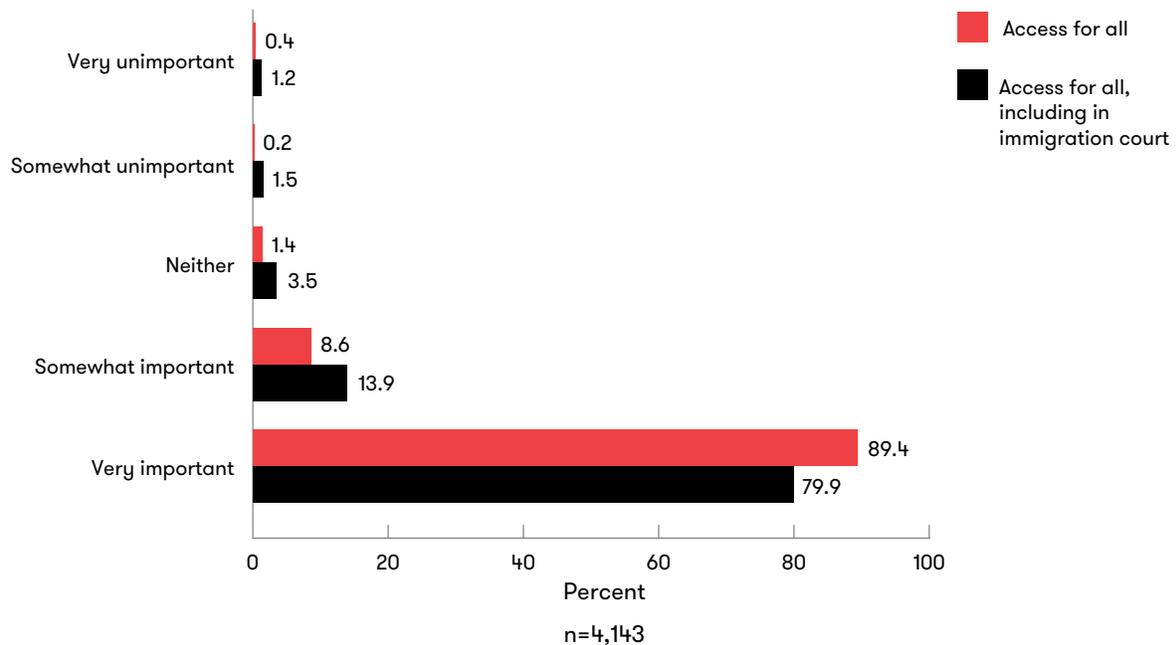
**Key findings from Figure 1:**

- > People overwhelmingly believe that access to attorneys is important, and this support remains high when immigration court is explicitly included.
- > People are significantly less likely to believe access to attorneys is important for people in court when immigration court is specified in the question.<sup>2</sup>

- › Nonetheless, the vast majority of people, regardless of which question they answered, believe access to attorneys is important.
- › Ninety-three percent believe access to attorneys is (somewhat or very) important for all people, *including people in immigration court*.
  - More than 3 out of 4 people believe such access is *very* important.

Figure 2 below is analogous to Figure 1 but includes responses only from likely voters. Likely voters are defined as people who reported that they were registered to vote and planned to vote in 2020. Respondents aged 22 years or older were only included if they reported having voted in the 2016 presidential election and recall whom they voted for (those under 22 may not have been old enough to vote in 2016 and were therefore not held to this requirement).<sup>3</sup> Sixty-nine percent of respondents are categorized as likely voters.<sup>4</sup>

**Figure 2: Importance of access to an attorney among likely voters**

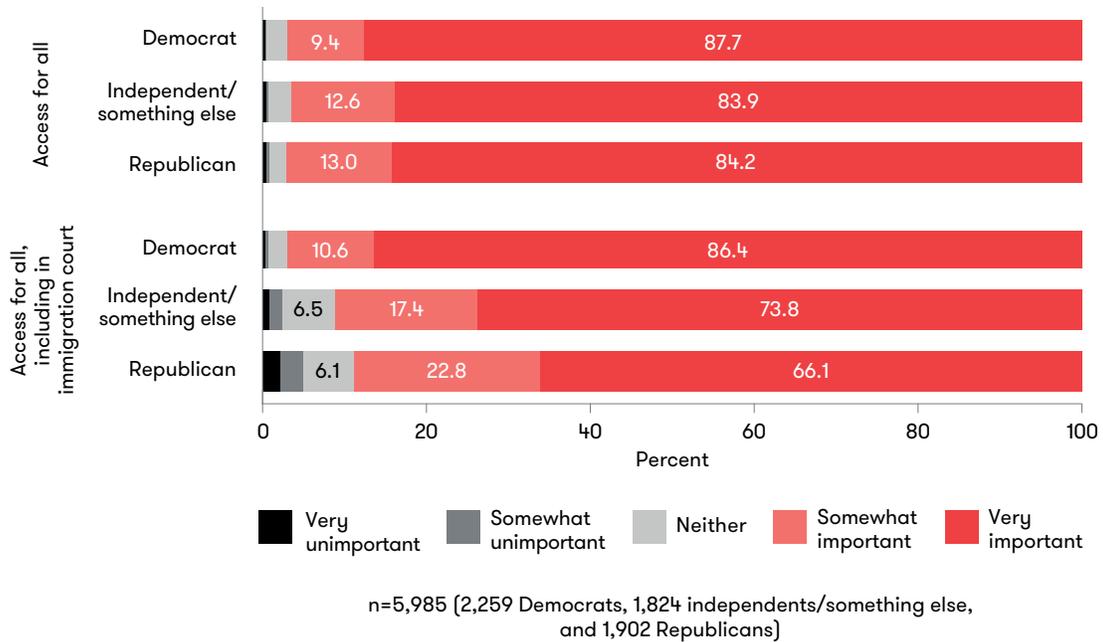


**Key findings from Figure 2:**

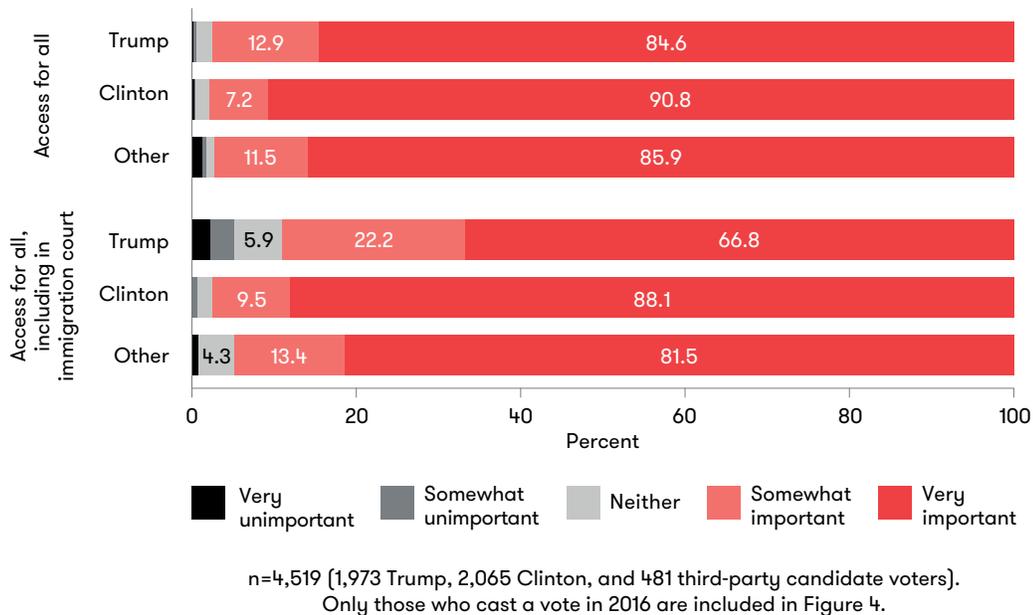
- › Likely voters overwhelmingly believe that access to attorneys is important—both in general and in immigration court.
- › Ninety-four percent of likely voters believe access to attorneys is (somewhat or very) important for *people in immigration court*.
  - Eighty percent of likely voters believe access to attorneys for people in immigration court is *very* important.
- › Likely voters are significantly less likely to believe access to attorneys is important for people in immigration court than they are when immigrants are not specified in the question.<sup>5</sup>
  - Nonetheless, the vast majority of likely voters, regardless of which question they answered, believe access to attorneys is important.

The next two graphs plot the percentage of people giving each response by their political party identification (Figure 3) and by their 2016 vote choice (Figure 4). Responses to question one (about access to attorneys for all people) in Figures 3 and 4 appear in the top half of each graph, and answers to question two (about access to attorneys for all people, including people in immigration court) are displayed in the bottom half. Each bar sums to 100 percent.

**Figure 3: Importance of access to an attorney by party identification**



**Figure 4: Importance of access to an attorney by 2016 presidential vote choice**



### Key findings from Figures 3 and 4:

- › Regardless of one's party identification and 2016 presidential vote choice, people overwhelmingly believe that access to attorneys is (somewhat or very) important—both in general and when explicitly including people in immigration court.
- › The majority of people in each group, 66 percent or more, answered *very* important.

## Government-funded attorneys in immigration court

Beyond asking about access to attorneys, the survey also explored attitudes toward government-funded attorneys in immigration court. Two thousand respondents were randomly assigned to answer question three below.

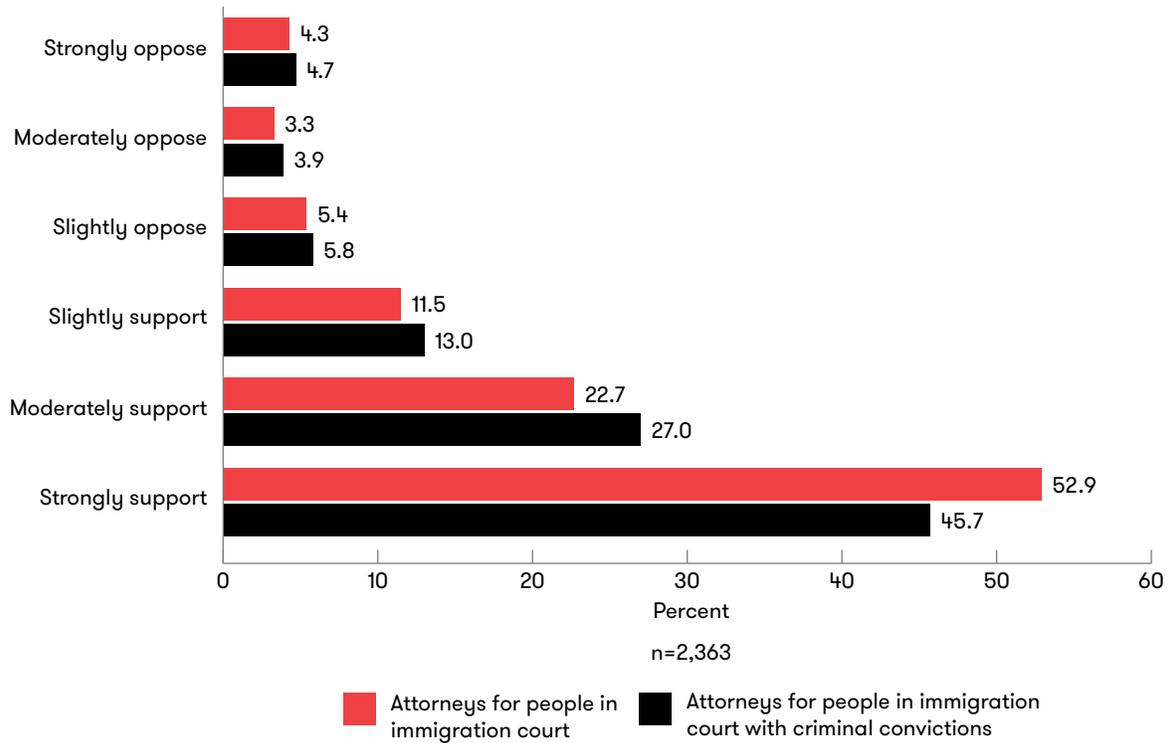
3. Do you support or oppose the government paying for an attorney for everyone who cannot afford one in a court of law, including people in immigration court?

The remaining 4,000 people were randomly assigned to take part in an experiment that explored the effects of various messages on attitudes toward legal representation. These respondents were randomly assigned to one out of 11 possible groups, and each group was presented with a variation to question three. One such group (n=363) was asked question four, below, which allows for an exploration of whether people's attitudes toward government-funded attorneys change when immigrants with criminal convictions are explicitly included. (The full results that include analyses of all 11 messages tested in the experiment are forthcoming in a more expansive report.)

4. Do you support or oppose the government paying for an attorney for everyone who cannot afford one in a court of law, including people in immigration court with criminal convictions?

Answer options for both questions three and four are: strongly support, moderately support, slightly support, slightly oppose, moderately oppose, and strongly oppose. As in the previous section, this section will first display responses to the questions among all respondents (Figure 5), then among likely voters (Figure 6), followed by graphs that display responses by party identification and 2016 vote choice (Figures 7 and 8).

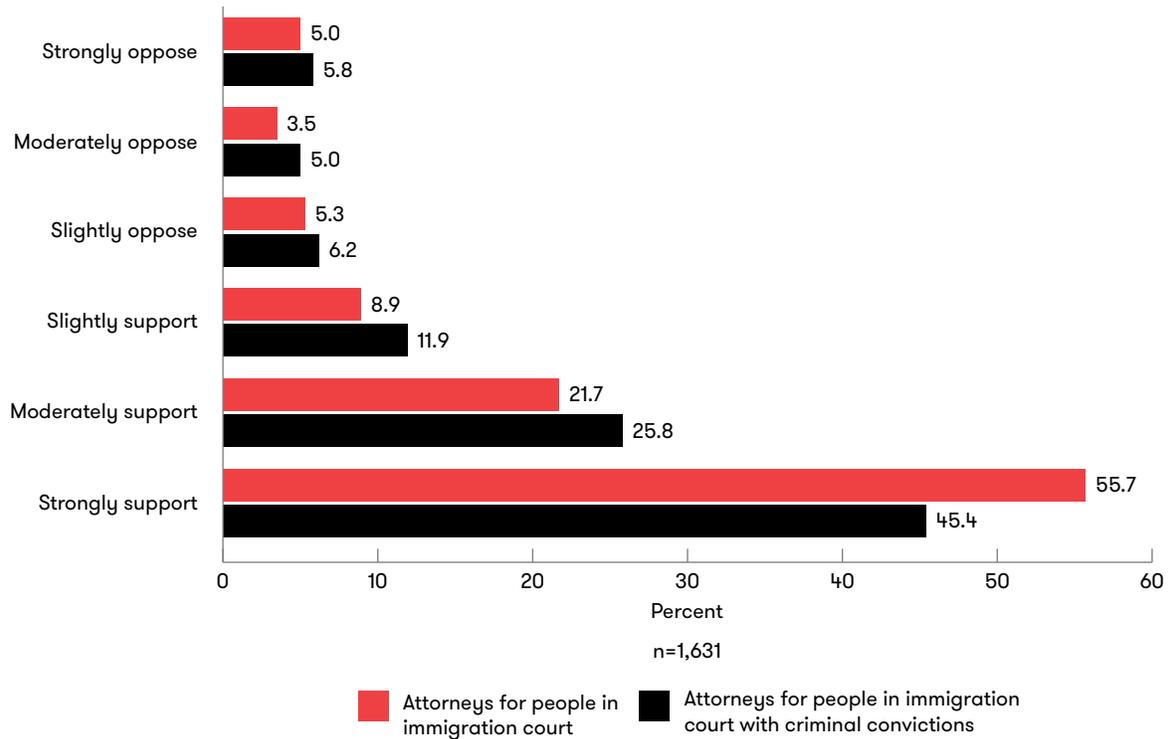
**Figure 5: Attitudes on government-funded attorneys in immigration court**



**Key findings from Figure 5:**

- > There is great support in the United States for government-funded attorneys for people in immigration court, including for people with criminal convictions.<sup>6</sup>
- > Eighty-seven percent of people in the United States support government-funded attorneys for people in immigration court.
- > Eighty-six percent support government-funded attorneys for people in immigration court *with criminal convictions*.
- > A majority of people *strongly* support the government paying for attorneys in immigration court, and nearly half express *strong* support for government-funded lawyers for people *with criminal convictions*.

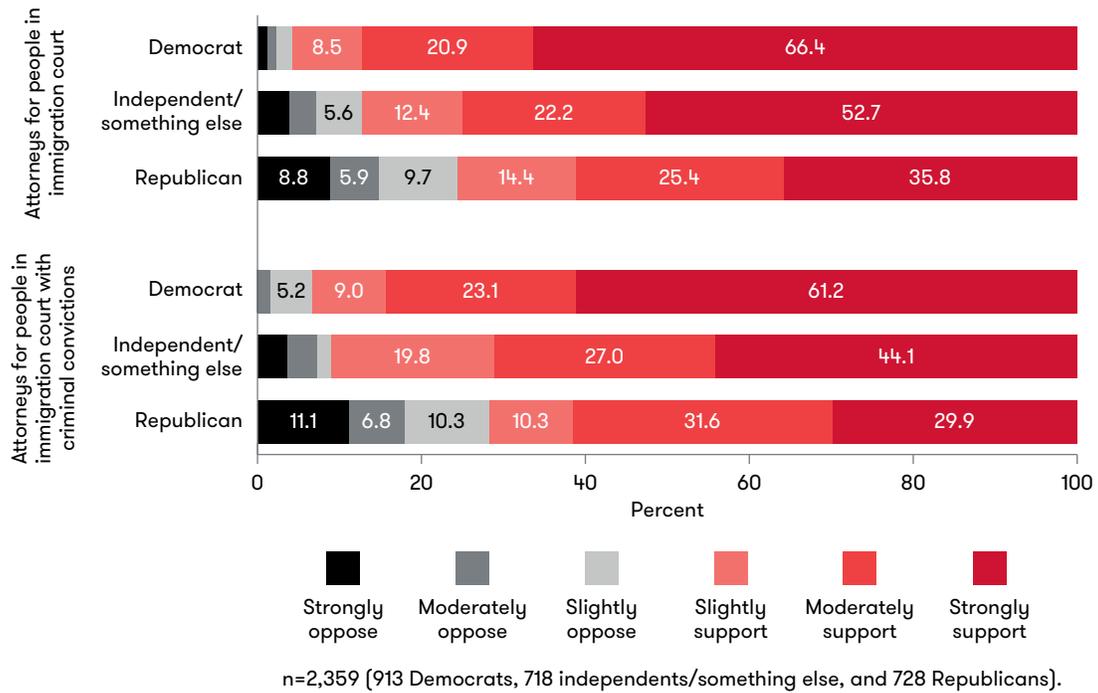
**Figure 6: Attitudes on government-funded attorneys in immigration court among likely voters**



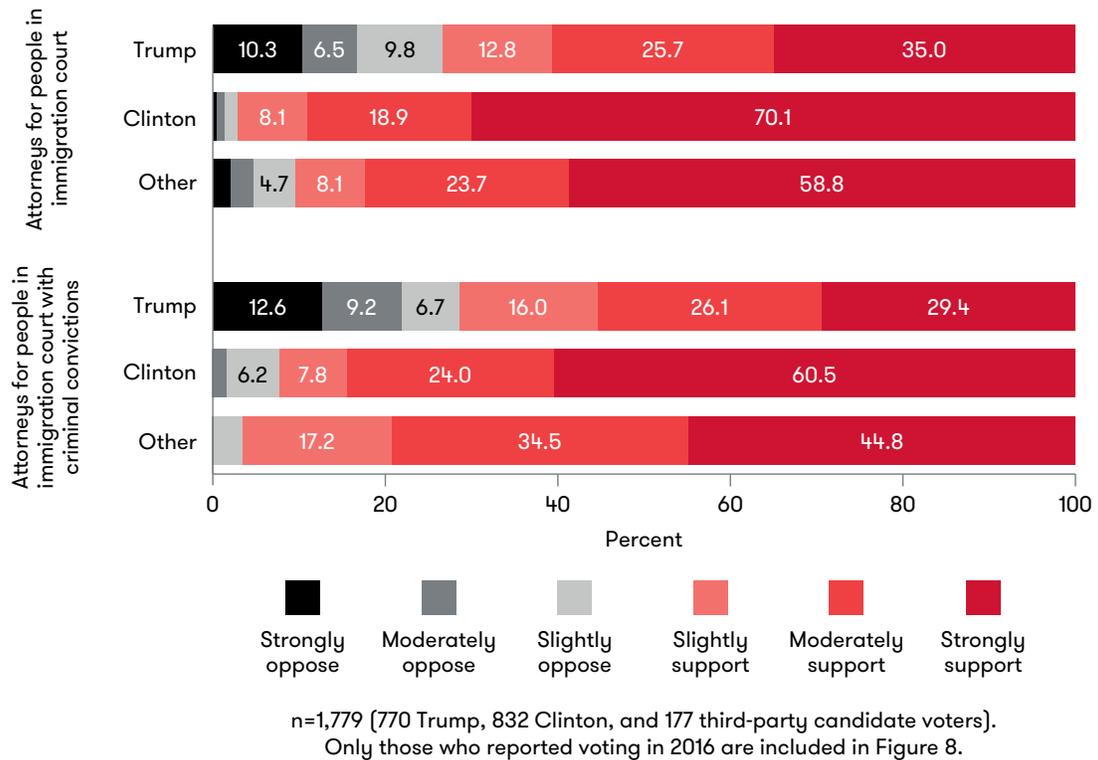
**Key findings from Figure 6:**

- > There is great support among likely voters in the United States for government-funded attorneys for people in immigration court, including for people with criminal convictions.<sup>7</sup>
- > Eighty-six percent of likely voters support government-funded attorneys for people in immigration court.
- > Eighty-three percent of likely voters support government-funded attorneys for people in immigration court *with criminal convictions*.
- > A majority of likely voters *strongly* support the government paying for attorneys in immigration court, and nearly half express *strong* support for government-funded attorneys for people *with criminal convictions*.

**Figure 7: Attitudes on government-funded attorneys in immigration court by party identification**



**Figure 8: Attitudes on government-funded attorneys in immigration court by 2016 presidential vote choice**



**Key findings from Figures 7 and 8:**

- › Regardless of one's party identification and 2016 presidential vote choice, there is tremendous support for government-funded attorneys for people in immigration court, including for people with criminal convictions.
- › Thirty-five percent or more of people across all groups—or more than one in three—*strongly* support government-funded attorneys for people in immigration court.
- › Nearly 30 percent or more of people across all groups *strongly* support government-funded attorneys for people in immigration court, including *people with criminal convictions*.

## Support for government-funded attorneys by general immigration attitudes

The survey included a standard immigration question that researchers have asked across many prominent surveys over many years. Including a standardized question allowed Vera to compare the sample with respondents to other surveys of immigration attitudes. The standard immigration question is:

5. Do you think the number of immigrants from foreign countries who are permitted to come to the United States to live should be increased, decreased, or kept the same as it is now?

Answer options to question five are: increased a lot, increased a moderate amount, increased a little, kept the same as now, decreased a little, decreased a moderate amount, and decreased a lot. Table 1 presents the percent of the Vera/Lucid sample who think immigration to the United States should be increased, decreased, or kept the same. The Vera/Lucid sample appears in the first column of results, and the following columns present percentages of responses across three recent, prominent, national surveys: the American National Election Studies (ANES), Gallup, and the Pew Research Center.<sup>8</sup> The table shows that immigration attitudes among the Vera/Lucid sample are similar to attitudes across other national surveys, where roughly one third of people think immigration should be increased, one third want to decrease immigration, and approximately one-third would like no change to current immigration levels.

**Table 1: Standard immigration question across four surveys**

	Vera/Lucid	ANES	Gallup	Pew
Immigration to the U.S. should be <b>increased</b>	38%	31%	27%	32%
Immigration to the U.S. should be <b>kept the same</b>	32%	35%	37%	38%
Immigration to the U.S. should be <b>decreased</b>	30%	33%	35%	24%

Finally, Table 2 shows the percentage of respondents who support government-funded attorneys generally and for immigrants with criminal convictions by their responses to the standard immigration question (question five above).

**Table 2: Support for government-funded attorneys in immigration court by responses to the standard immigration question**

	Percentage supporting government-funded attorneys	
	Generally	For those with criminal convictions
Immigration to the U.S. should be <b>increased</b>	96%	97%
Immigration to the U.S. should be <b>kept the same</b>	90%	89%
Immigration to the U.S. should be <b>decreased</b>	72%	70%

n=2,355

**Key findings from Table 2:**

- > Even among people who oppose immigration to the United States, 70 percent or more support the government paying for attorneys in immigration court, including for people with criminal convictions.

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## Endnotes

- 1 See the appendix available at <https://www.vera.org/publications/taking-the-pulse> to see how the characteristics of survey respondents compare to the U.S. population.
- 2 A t-test that compares mean responses to questions one and two reveals a significant difference ( $p=0.000$ ). In the t-test, responses are coded to range from 0 (very unimportant) to 1 (very important).
- 3 For discussions of how to measure likely voters in surveys, see Scott Keeter and Ruth Igielnik, *Can likely voter models be improved?* (Washington, DC: Pew Research Center, 2016), <https://www.pewresearch.org/methods/2016/01/07/can-likely-voter-models-be-improved/>; and Michael Dimock et al., Pew Research Center, “A Voter Validation Experiment: Screening for Likely Voters in Pre-election Surveys,” (A paper presented at the 56th Annual American Association for Public Opinion Research Conference, Montreal, Quebec, Canada, March 17-20, 2001), <https://assets.pewresearch.org/wp-content/uploads/sites/5/2001/05/12.pdf>.
- 4 For reference, 61 percent of the U.S. citizen voting-age population (VAP) voted in the 2016 presidential election, and 62 percent of the citizen VAP voted in 2012 (see Figure 1 here: [https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting\\_in\\_america.html](https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html)). The Vera/Lucid sample estimates a slightly higher percentage of likely voters than have turned out in recent elections. This means that the Vera/Lucid sample may overestimate likely voters. Alternatively, the Vera/Lucid likely voter estimate may be reflecting real voter intentions, indicating that there will be an increase in 2020 voting turnout rates.
- 5 A t-test that compares mean responses to questions one and two among likely voters reveals a significant difference ( $p=0.000$ ). In the t-test, responses are coded to range from 0 (very unimportant) to 1 (very important).
- 6 A t-test that compares mean responses to questions three and four reveals no significant difference between the two ( $p=0.105$ ). This means that people are answering the two questions similarly, suggesting they are just as supportive for lawyers for immigrants with criminal convictions as they are for immigrants in general. In the t-test, responses are coded to range from 0 (strongly oppose) to 1 (strongly support).
- 7 A t-test that compares mean responses to questions three and four among likely voters reveals a significant difference in responses between the two questions ( $p=0.023$ ). This means that likely voters are more supportive of lawyers in immigration court generally than they are when people with criminal convictions are explicitly mentioned in the question. Nonetheless, support is quite high across the board, regardless of which question respondents answered. In the t-test, responses are coded to range from 0 (strongly oppose) to 1 (strongly support).
- 8 See American National Election Studies, “2018 Pilot Study,” <https://electionstudies.org/data-center/2018-pilot-study/>; Gallup, “Immigration,” (2 percent of Gallup respondents are coded as “no opinion”), <https://news.gallup.com/poll/1660/immigration.aspx>; and Pew Research Center, “Shifting Public Views on Legal Immigration Into the U.S.,” (Washington, DC: Pew Research Center, June 28, 2018), <https://www.people-press.org/2018/06/28/shifting-public-views-on-legal-immigration-into-the-u-s/>.

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## For more information

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The Vera Institute of Justice is a justice reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it.

Requests for additional information about this report should be directed to Lucila Figueroa at [lfigueroa@vera.org](mailto:lfigueroa@vera.org).

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# Public Support in the United States for Government-Funded Attorneys in Immigration Court:

## Technical Appendix

May 2020

In September 2019, Vera partnered with the survey firm Lucid to conduct an online opinion poll among 6,000 adults (18 years and older) living in the United States. The sample closely approximates the U.S. population in terms of demographics and political affiliation, as shown in the table below.<sup>1</sup> Each row displays the percentage of the sample or population that falls within each category. For example, the first row of results shows that 43.7 percent of the Vera/Lucid sample voted for Donald Trump in the 2016 presidential election, compared to 46.1 percent of the U.S. population (among those who voted).

### Vera/Lucid Sample Compared to the U.S. Population

Selected Demographics	Vera/Lucid Sample	U.S. Population
<b>2016 Vote<sup>a</sup></b>		
Trump	43.7%	46.1%
Clinton	45.7%	48.2%
Other	10.6%	5.7%
<b>Age</b>		
18 - 24	12.1%	12.6%
25 - 34	17.7%	17.8%
35 - 44	17.1%	16.4%
45 - 54	18.3%	17.4%
55 - 64	16.5%	16.5%
65+	18.4%	19.3%
<b>Country of birth</b>		
United States	93.9%	86.6%
Another country	6.1%	13.4%
<b>Educational attainment</b>		
Less than high school	2.8%	12.8%
High school graduate/G.E.D.	18.4%	27.7%
Some college/AA/vocational training	35.6%	31.2%
Bachelor's degree or more	43.3%	28.4%

## Vera/Lucid Sample Compared to the U.S. Population (continued)

<b>Selected Demographics</b>	<b>Vera/Lucid Sample</b>	<b>U.S. Population</b>
<b>Employment status<sup>b</sup></b>		
Employed	62.0%	61.0%
Unemployed	8.5%	3.5%
<b>Gender<sup>c</sup></b>		
Female	51.6%	50.8%
Male	48.2%	49.2%
Other gender identity	0.2%	—
<b>Household income<sup>d</sup></b>		
Less than \$25,000	16.4%	21.4%
\$25,000 - \$49,999	22.8%	22.5%
\$50,000 - \$74,999	19.6%	17.7%
\$75,000 - \$99,999	13.7%	12.3%
\$100,000 - \$149,999	15.4%	14.1%
\$150,000 - \$199,999	6.2%	5.8%
\$200,000+	5.8%	6.3%
<b>Ideology</b>		
Liberal	36.0%	26.0%
Moderate	28.7%	35.0%
Conservative	35.4%	35.0%
<b>Party</b>		
Democrat	37.7%	31.0%
Independent/something else	30.5%	38.0%
Republican	31.8%	29.0%
<b>Race/ethnicity<sup>e</sup></b>		
American Indian or Alaska Native	2.2%	1.7%
Asian	6.2%	6.3%
Black	12.6%	13.9%
Hispanic or Latino/a	8.7%	17.6%
Middle Eastern or North African	0.5%	—
Native Hawaiian or other Pacific Islander	0.7%	0.4%
White	74.1%	75.7%
<b>Region</b>		
Midwest	21.0%	21.1%
Northeast	18.2%	17.5%
South	37.1%	37.7%
West	23.6%	23.6%

**Table Notes: The U.S. population data refers to people who are 18 years or older, unless otherwise noted below.**

- a The 2016 vote choices display the percentages of people who voted for a given candidate *among those who voted* (not among the entire population of voters and nonvoters).
- b Employment status information for the U.S. population encompasses those who are 16 years and older. Additionally, percentages for the Vera/Lucid sample do not add up to 100 percent because there were more options that a respondent could mark on the survey than employed and unemployed (such as student, retired, etc.), and because people were allowed to mark all that apply (so someone could mark employed and student, for example). Therefore, the percentages listed indicate the percent of people, among all who took the survey and answered the employment question, who marked employed or unemployed, regardless of what other employment status options they may have also marked. No one marked both employed and unemployed.
- c There is no information on gender identities beyond the male/female binary for the U.S. population because the data came from the American Community Survey, which does not measure non-binary gender identities, nor is there a better national source to use that does.<sup>2</sup>
- d Household income of the U.S. population is among those 15 years and older.<sup>3</sup>
- e Race and ethnicity percentages do not sum to 100 percent because people, in both the Lucid/Vera sample and among the general U.S. population, were allowed to identify with multiple races and ethnicities.

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**Endnotes**

- 1 Information about the demographics and political affiliations of the U.S. population came from the following sources: 2016 vote, <https://transition.fec.gov/pubrec/fe2016/federalelections2016.pdf>; age and gender, <https://data.census.gov/cedsci/table?t=Age%20and%20Sex&tid=ACSSST5Y2017.S0101&hidePreview=false&vintage=2018>; country of birth, <https://data.census.gov/cedsci/table?q=B05002&tid=ACSDT5Y2017.B05002>; education, <https://data.census.gov/cedsci/table?tid=ACSSST5Y2017.S1501&q=S1501>; employment status, <https://data.bls.gov/timeseries/LNS12300000> and <https://data.bls.gov/timeseries/LNS14000000>; household income, <https://data.census.gov/cedsci/table?tid=ACSSST5Y2017.S1901&q=S1901>; ideology, <https://news.gallup.com/poll/245813/leans-conservative-liberals-keep-recent-gains.aspx>; party, <https://news.gallup.com/poll/15370/party-affiliation.aspx>; race/ethnicity, <https://data.census.gov/cedsci/table?tid=ACSDP5Y2017.DP05&q=DP05>; and region, [https://data.census.gov/cedsci/table?q=0100000US\\_0200000US1,2,3,4&tid=ACSDT5Y2017.B01003&q=B01003](https://data.census.gov/cedsci/table?q=0100000US_0200000US1,2,3,4&tid=ACSDT5Y2017.B01003&q=B01003).
- 2 Andrew R. Flores, Jody L. Herman, Gary J. Gates, and Taylor N.T. Brown, *How Many Adults Identify as Transgender in the United States?* (Los Angeles, CA: The Williams Institute, 2016), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/How-Many-Adults-Identify-as-Transgender-in-the-United-States.pdf>.
- 3 U.S. Department of Commerce, Census Bureau, *American Community Survey and Puerto Rico Community Survey 2018 Subject Definitions* (Washington, DC: U.S. Census Bureau, 2018), [https://www2.census.gov/programs-surveys/acs/tech\\_docs/subject\\_definitions/2018\\_ACSSubjectDefinitions.pdf?#](https://www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2018_ACSSubjectDefinitions.pdf?#).

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