

Expanding Access to Legal Representation for Immigrants: The Securing Help for Immigrants through Education and Legal Development (SHIELD) Act (H.R.8980)

As the United States faces millions of pending immigration cases and the ongoing arrival of people seeking asylum, the country also faces a shortage of immigration legal professionals.¹ Without sufficient legal services, we cannot address the growing, overwhelming backlog of immigration cases. The Securing Help for Immigrants through Education and Legal Development (SHIELD) Act (H.R.8980) addresses the urgent need to advance stability, functionality, and fairness in an outdated immigration system by bolstering the legal service infrastructure nationwide.

Why is the SHIELD Act needed?

Due to the growing number of cases in immigration court, legal service providers are increasingly strained and at capacity, unable to keep pace with the number of people needing their services. In 2023, 65 percent of the 4 million people who faced deportation proceedings did so without a lawyer, including many children.²

As the U.S. seeks humane, practical solutions to the problems in our outdated immigration system, increasing legal representation is a sensible solution that will address backlogs, help communities prosper, and promote safety and family unity.³ One study shows that the length of an immigration case can double because legal representation is not readily available.⁴ Further, a recent study shows that providing access to legal representation for all people facing deportation in immigration court in New York State alone would result in an estimated net benefit of at least \$8.4 billion for the federal, state, and local governments.⁵

A companion to the [Fairness to Freedom Act \(H.R.2687/S.1187\)](#), the SHIELD Act is a commonsense step to improve our immigration system that will enable legal service providers to begin to close the representation gap and advance fairness and family unity.

What will the SHIELD Act do?

This bill will cultivate a strong and sustainable immigrant legal defense field by creating a grant program that supports recruitment, training, retention, and development of staff and resources. This will not only help address the issues ailing the U.S. immigration system today, but also prepare it to meet long-term needs.

The SHIELD Act will:

- allocate \$100 million for a grant program to develop a legal services workforce scaled to better meet the representation needs of people facing deportation, with long-term capacity to provide high-quality, holistic, and linguistically appropriate legal services;
- provide four-year renewable competitive grants through the Department of Justice's Office of Access to Justice to state and local governments, nonprofits, and educational institutions;
- prioritize support for preexisting programs needing additional funding for sustainability and focus on underserved areas where state and local investments are scarce despite substantial need; and
- support the efforts of state, local, and privately funded justice funds that provide representation to people facing deportation around the country.

Next Steps:

If you would like to be an original co-sponsor of the bill, please contact Andrew Bower (Andrew.Bower@mail.house.gov) in Congressman Robert Garcia's office.

Endnotes

- ¹ Edgar Sandoval, "A New Challenge for Asylum Seekers: Lawyer Shortages," *New York Times*, May 19, 2024, <https://www.nytimes.com/2024/05/19/us/migrants-lawyer-shortages.html>; and Transaction Records Access Clearinghouse (TRAC) Immigration, "Too Few Immigration Attorneys: Average Representation Rates Fall from 65% To 30%" January 24, 2024, <https://perma.cc/C2HY-2NSU>.
- ² Executive Office for Immigration Review (EOIR), "EOIR Case Data (March 2024)," database (Falls Church, VA: EOIR, 2024), <https://www.justice.gov/eoir/foia-library-0>.
- ³ On the benefits of humane immigration policies, see for example Tom K. Wong, *The Effects of Sanctuary Policies on Crime and the Economy* (Washington, DC: Center for American Progress, 2017), <https://perma.cc/W52L-KY7E>. On the recent economic benefits of immigration, see Lydia Depillis, "The U.S. Economy Is Surpassing Expectations. Immigration Is One Reason," *New York Times*, February 29, 2024, <https://www.nytimes.com/2024/02/29/business/economy/immigrants-labor.html>; David Brancaccio, Chris Farrell, and Alex Schroeder, "More Immigration Means Gains For U.S. Economy, CBO Says," *Marketplace*, April 10, 2024, <https://perma.cc/QS7J-DZHJ>; and Ernie Tedeschi, "Immigration And The U.S. Economy Since The Pandemic: An Accounting Exercise," Briefing Book, April 1, 2024, <https://perma.cc/5YZK-RZJU>.
- ⁴ Ingrid V. Eagly and Steven Shafer, "National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (2015), <https://perma.cc/82F5-WE2D>. This study finds that for people in immigration detention who delay their case to seek counsel, on average, more than half the total length of time it takes to adjudicate their case is time spent seeking out counsel. For never-detained people who delay their case to seek counsel, on average, 42 percent of the case adjudication time is spent seeking out counsel.
- ⁵ New York City Comptroller Brad Lander, *Economic Benefits of Immigration Legal Services* (New York: Office of the New York City Comptroller, 2024), <https://comptroller.nyc.gov/wp-content/uploads/2024/03/Economic-Benefits-of-Immigration-Legal-Services.pdf>. The benefits are calculated as the net present value over 30 years of new tax revenues less services received.