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4 Investigates: Immigrants seeking asylum face growing backlog



Patrick Hayes June 17, 2019 10:18 PM

ALBUQUERQUE, N.M. — Every day, Border Patrol detains more than 1,000 immigrants crossing the U.S.-Mexico border, according to officials with Customs and Border Protection.

"They come in waves," said Border Patrol agent George Gomez.

"You'll have five, 10 and then it'll slow down for a couple minutes and then it'll pick up again," he said.

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According to Gomez, the majority of immigrants crossing into the El Paso Sector – which oversees all of New Mexico – are coming from Honduras, Guatemala, El Salvador and Cuba.

Gomez told KOB 4 some are seeking asylum, others are not.

However, the process can be difficult for those looking for legal status.

According to Ashley Tabaddor, president of the National Association of Immigration Judges, there's nearly 900,000 immigration cases waiting to get heard and only a handful of judges to hear them.

There are about 420 immigration judges including four in New Mexico.

But the lack of judges isn't the only problem according to Tabaddor.

President Donald Trump has started to use quotas as a way to measure a judge's effectiveness.

According to Tabaddor, those quotas might force a judge to look at numbers instead of the case.

"It puts a lot of pressure on judges to be constantly mindful of the oath of office that they've taken and tried to put aside those numbers out of their mind and focus on just the oath and duty of office," Tabaddor added.

Tabaddor suggests moving the court out of the Department of Justice.

The problem, according to her, is that the DOJ is ran by the attorney general which is appointed by the president.

Therefore, the DOJ is in charge of prosecuting and ruling on each case..

"So the way that the court is being administered is not like a court. It's like a law enforcement agency," said Tabaddor.

"And that has created in large part a lot of these backlogs that we see and a lot of the challenges we're facing," she added.

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U.S. Rep. Xochitl Torres Small represents southern New Mexico and told KOB 4 that her priority is to hire more judges.

"It's part of a bipartisan agreement I've been advocating for a long time and was included in the End to the Shutdown (Act). We still haven't hired those judges," Torres Small said.

She said she could look at moving the immigration court from under the DOJ. However, she wants to hire more judges first to address the backlog.

"So I think it's something we can look towards doing but right now with such a backlog and increasing families presenting themselves at the border, we need to focus on making sure the process is clear, fair and efficient."

Republican Yvette Herrell will challenge Congresswoman Torres Small for her seat in the 2020 election and talked to KOB 4 on behalf of the state's GOP.

Herrell said she also supports hiring more judges but also suggests limiting the number of asylum seekers we let into the country.

"I think all options should be on the table and maybe quotas are something we should consider in terms of limiting the number of people who can come into our nation every year seeking asylum but again, hiring more judges, of course would help," Herrell said.

Herrell also supports the president's use of quotas. Torres Small said they're OK at times but they need to be 'more realistic.'

"But the asylum seekers -- the ones truly seeking asylum deserve to have an answer in a fairly quick manner," said Herrell.

"If we're going to have quotas, they have to be more realistic than the ones being proposed," said Torres Small.

"And it shouldn't be the entire component of a review. We have to look instead at making sure each case gets the attention that it needs. And we have to make sure that no matter how they're reviewed that there's enough judges to do the job," she added.

On Tuesday, 4 Investigates will take a closer look at how local government agencies are responding to the flow of asylum seekers entering New Mexico.

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