



IMMIGRATION

Immigration Judges Say New Quotas Undermine Independence

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Ashley Tabaddor, a federal immigration judge in Los Angeles who serves as the president of the National Association of Immigration Judges, listens as she is introduced to speak at the National Press Club in Washington, Sept. 21, 2018, on the pressures on judges and the federal immigration court system.

WASHINGTON —

The nation's immigration court judges are anxious and stressed by a quota system implemented by Attorney General Jeff Sessions that pushes them to close 700 cases per year as a way to get rid of an immense backlog, the head of the judges' union said Friday.

It means judges would have an average of about 2½ hours to complete cases — an impossible ask for complicated asylum matters that can include hundreds of pages of documents and hours of testimony, Judge Ashley Tabaddor said.

"This is an unprecedented act, which compromises the integrity of the court and undermines the decisional independence of immigration judges," she said in a speech at the National Press Club, in her capacity as head of the union. Tabaddor said the backlog of 750,000 cases was created in part by government bureaucracy and a neglected immigration court system.

"Now, the same backlog is being used as a political tool to advance the current law enforcement policies," she said.

Signature issue

Curbing immigration is a signature issue for the Trump administration, and the jobs of the nation's more than 300 immigration judges are in the spotlight.

They decide whether someone has a legal basis to remain in the country while the government tries to deport them, including those seeking asylum. Tabaddor presides in Los Angeles, where she oversees 2,000 cases, including many involving juveniles.

The judges are employees of the Justice Department's Executive Office for Immigration Review, which is overseen by the attorney general — unlike the criminal and civil justice systems where judges operate independently.

Immigration court judges have repeatedly asked for independence, and Tabaddor brought it up again Friday, calling the current structure a serious design flaw.

A Justice Department spokesman said the union has repeatedly tried to block common-sense reforms that would make the judges' jobs better, and that the proper home for the courts is where they are right now, under DOJ.



FILE - The Arlington Immigration Court building in Arlington, Virginia. The courtrooms inside are plain, and cases are dispatched quickly, each one settled in five to 10 minutes. (A. Barros/VOA)

Earlier this year, the Justice Department sent a memo to immigration judges telling them they would need to clear at least 700 cases a year in order to receive a "satisfactory" rating on their performance evaluations. Sessions has pushed for faster

rulings and issued a directive that prevents judges from administratively closing cases in an effort to decrease the backlog by 50 percent by 2020.

This month, he appointed 44 new judges, the largest class of immigration judges in U.S. history, and has pledged to hire more. He said in a speech to the judges that he wouldn't apologize for asking them to perform "at a high level, efficiently and effectively."

Tabaddor wouldn't say whether the quotas were also putting pressure on judges to deport more people — not just decide cases faster.

"There's certainly no question they're under pressure to complete more cases faster," she said. "I think I would just say listen to the attorney general's remarks and you can decide what messaging is going to be sent."

Asylum qualifications

Earlier this summer, Sessions tightened the restrictions on the types of cases that can qualify someone for asylum, making it harder for Central Americans who say they're fleeing the threat of gangs, drug smugglers or domestic violence to pass even the first hurdle for securing U.S. protection.

Immigration lawyers say that's meant more asylum seekers failing interviews with U.S. Citizenship and Immigration Services to establish credible fear of harm in their home countries. They also say that immigration judges are overwhelmingly signing off on those recommendations during appeals, effectively ending what could have been a years-long asylum process almost before it's begun.

President Donald Trump hasn't been behind the move to bolster the roster of judges. "We shouldn't be hiring judges by the thousands, as our ridiculous immigration laws demand, we should be changing our laws, building the Wall, hire Border Agents and Ice," he said in a tweet in June, referring to Immigration and Customs Enforcement.

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