



Trump's Hiring Freeze Doesn't Touch Immigration Judges

Share us on: By [Kelcee Griffis](#)

Law360, New York (March 7, 2017, 7:07 PM EST) -- President Donald Trump's recent federal employee hiring freeze does not affect federal immigration judges, the [Executive Office for Immigration Review](#) has said, marking the latest clarification on how the president's budget-cutting agenda will be implemented.

Kathryn Mattingly, a spokeswoman for the [U.S. Department of Justice](#) branch, confirmed to Law360 on Tuesday that immigration judges fall under an exception in the executive memorandum for positions involving national security and public safety.

"Despite the federal hiring freeze, Attorney General [Jeff] Sessions has determined that Executive Office for Immigration Review positions can continue to be filled," according to a statement from the office.

Trump signed an executive memorandum on Jan. 23 that halted federal hiring but gave agency heads the power to make exceptions for national security or public safety and allowed the [Office of Personnel Management](#) to grant carve-outs where "otherwise necessary."

There are currently 300 immigration judges nationwide, Mattingly said.

EOIR held its most recent swearing-in ceremony on Feb. 3, when it welcomed 12 new immigration judges. The office is authorized to employ up to 374 immigration judges and will continue to advertise and fill open positions, Mattingly said.

At the time Trump enacted the freeze, the federal government's employment website listed more than 4,500 vacancies outside the Department of Defense. Those jobs included vacancies listed as critical, such as nursing jobs at the Department of Veterans Affairs, human resources specialists at the [Department of Energy](#) and six other agencies, and auditing jobs at the Department of Justice, among others.

The EOIR's clarification is the latest in a series of announcements from agencies interpreting how the order affects operations.

In a Jan. 31 memo, the U.S. [Office of Management and Budget](#) clarified that political appointments, military and other uniformed personnel, the Postal Service, civilian hires by the [Office of the Director of National Intelligence](#) and the [Central Intelligence Agency](#) are exempt from the freeze. The memo also stipulated that the head of any agency can exempt positions deemed necessary for national security responsibilities, including foreign relations or public safety.

The acting director of the [U.S. Department of Health and Human Services' Indian Health Service](#) also offered clarification, telling Native American leaders in mid-February that certain positions in the agency will be exempted from the freeze, including those connected with direct patient care.

Similarly, in an early February memorandum, the [U.S. Department of Defense](#) noted that civilian positions directly supporting scheduled military and security cooperation operations, as well as those supporting contingency operations, are exempt. Cybersecurity, intelligence and space operations positions are similarly outside the freeze, as are medical staffers providing inpatient and emergency outpatient care, law enforcement and first responder firefighter roles.

--Additional reporting by Jody Godoy, Chuck Stanley, Andrew Westney and Daniel Wilson.
Editing by Sara Ziegler.

© 2017, Portfolio Media, Inc.

<https://www.law360.com/articles/898366/trump-s-hiring-freeze-doesn-t-touch-immigration-judges>