

# Immigration Judges' Union Files Labor Complaint Against Justice Department



WASHINGTON—The union representing the nation’s more than 400 immigration judges filed a labor complaint against the Justice Department, escalating an already tense situation between the Trump administration and the judges carrying out its immigration policy.

The most recent occurred in late August, when the Executive Office of immigration Review, which oversees the judges, included a link to a blog post on a white nationalist website in its daily news briefing emailed to all employees. The blog post in question described immigration judges using several racial and ethnic slurs, angering judges around the country and prompting a formal letter to the office’s director.

The other incident came in April, when the union sought clarification from the Justice Department on whether the judges' positions made them regular employees or managers in the course of contract negotiations. The Justice Department didn't respond to the query but later filed a petition with the Federal Labor Relations Authority to decertify the union, on the basis it considered the judges managers.

The union's complaint was filed with the Federal Labor Relations Authority, and could slow the Justice Department's attempts to disband the union.

The judges' union, known formally at the National Association of Immigration Judges, allows its leadership to fill a unique role as government employees empowered to criticize their employer and, by extension, the administration's immigration policies.

The union has been outspoken about the government's efforts to exert increasing political control over the nation's immigration court system, narrowing the judges' discretion around who can qualify for asylum.

Attorney General William Barr, for example, [overruled the Board of Immigration Appeals](#) in deciding people with family ties to gang targets or others with domestic violence claims couldn't qualify for asylum. More recently, the administration has been temporarily allowed to enforce a rule disqualifying anyone for asylum if they traveled through a third country en route to the U.S. The rule faces further court challenges.

In its effort to move more quickly through a [backlog of pending cases](#) that has grown to more than one million, the Justice Department has also placed new quota requirements on the judges. It has pressed individual judges to move through cases faster, giving judges a one-year deadline to decide each case and [setting a 700-case annual quota](#). Only about a third of judges are on track to meet that goal, according to A. Ashley Tabaddor, the union's president.

The administration has also begun shifting cases to judges known to work quickly, sometimes handing cases to courts located far from where an immigrant is living. More recently, it has also begun diverting some judges from their normal duties to hear cases of the government's ["remain in Mexico" program](#), under which migrants who have claimed asylum must wait in Mexican cities while their cases make their way through the courts.

The government has set up makeshift tent courts at ports of entry to process these cases more quickly, and judges have been hearing cases using a

videoconferencing tool. These courts, unlike most others in the country, aren't open to the public or to journalists.

The union rebuked the tent courts' closed conditions as "another glaring reason why the immigration courts have been deprived of key characteristics of what it means to be a court in the United States."

The union has also argued that immigration courts should be given judicial independence, rather than answering to the Justice Department's political leadership.

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