

# Immigration Judges Union Hits DOJ With Labor Charges

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Law360 (September 27, 2019, 7:30 PM EDT) -- The National Association of Immigration Judges has accused the Department of Justice of unfair labor practices in connection with a blog post the union criticized as anti-Semitic and issues related to the discipline and removal of immigration judges.

NAIJ President Ashley Tabaddor said Friday at a panel on the immigration courts system hosted by the National Press Club in Washington, D.C., that the union filed two unfair labor practice charges against the [DOJ](#) with the [Federal Labor Relations Authority](#).

The two charges relate to the department's online attacks against the union and its attempts to decertify the union and withhold important information while skirting the law, Tabaddor said.

"We are deeply engaged in the long fight against decertification of our union," she said. "We will not stand idle while efforts to undermine the independence of our courts relentlessly persists."

The DOJ had asked the FLRA last month to dissolve the 40-year-old union of more than 400 immigration judges who work within the department's [Executive Office for Immigration Review](#) and weigh immigrants' bids to enter or remain in the U.S.

A DOJ spokesperson said at the time that the agency filed the petition because the judges' influence over immigration policy has "greatly evolved over the past several years."

But Tabaddor said the move is an attempt to silence judges who seek to protect the court's integrity, and to eviscerate the union so that judges can be fired for not pleasing DOJ.

Also last month, the DOJ [sent a newsletter](#) — a daily, morning news briefing — that contained a link to a blog post on the decertification effort. The post, which the union condemned as anti-Semitic, negatively

portrayed Jews as "seeking power and control" and was published by VDare, a website known for its "white nationalist ideology and anti-semitic tropes," the NAIJ said.

The union told the FLRA that "the intentional publication of this blog post has the effect of interfering with, restraining, and coercing employees in the exercise of their rights, discouraging membership by discrimination in connection with their conditions of employment, and discrimination in connection with opposition to an agency petition."

The EOIR has said that the distribution of the newsletters is contracted out to a third party and that the blog post should not have been included.

Tabaddor was joined on the panel at the press club by Judy Perry Martinez, president of the [American Bar Association](#), and Jeremy McKinney, second vice president of the [American Immigration Lawyers Association](#).

Martinez and McKinney repeated calls they had previously made for an immigration court system that's independent of the DOJ.

McKinney said that U.S. immigration courts have an inherent conflict of interest, as the immigration court system is housed within DOJ, a law enforcement agency.

"DOJ not only oversees the judges, but also the attorneys who prosecute immigration cases at the federal level," he said. "The prosecutors and the fact-finders are in the same house."

Martinez also said that it is important for the public to view the courts as being independent.

"We have to have their independence, not only in fact but as perceived by the public members of our country, because we know that the perception of independence and of full and fair impartial court is what's critical to our nation's democracy and it's values," she said.

The ABA and AILA urged Congress in a July letter, in conjunction with the [Federal Bar Association](#), to create an independent immigration court system outside the DOJ, arguing that such a move would protect the courts' independence and impartiality.

--Additional reporting by Braden Campbell and Mike LaSusa. Editing by Michael Watanabe.

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