

Congress of the United States
Washington, DC 20515

October 16, 2019

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

We write to express our deep concern and opposition to the petition you filed on August 19, 2019 attempting to decertify the National Association of Immigration Judges (NAIJ), the labor union of federal immigration judges. The petition seeks to squash the collective bargaining rights of immigration judges. This effort is one of many actions the Department of Justice (DOJ) has taken that are systematically undermining the independence of immigration judges and the integrity of the judicial system. In addition, this is one of several examples where the Trump Administration has sought to dismantle unions representing the federal workforce. We urge you to withdraw your petition before the Federal Labor Relations Authority (FLRA) and take immediate steps to restore to immigration judges the powers they need to operate a fair and efficient immigration court system.

Immigration judges are classified as government attorneys despite serving in a judicial capacity, a status which leaves them particularly vulnerable to political pressure and executive branch interference. Therefore, the NAIJ serves as a critical independent voice for immigration judges who otherwise face limited discretion and authority when deciding life-altering cases. Already this Administration has made every effort to limit immigration judges' independence, management, and authority. Your predecessor and you have issued an unprecedented number of certified opinions that attempt to rewrite immigration law and strip immigration judges of docket management tools essential for the thorough and efficient processing of cases. Your abuse of the certification process has interfered with judicial independence, distorted asylum and detention laws, and is undermining public confidence in the court as a fair and impartial system. These dramatic, unilateral changes in procedure are bringing chaos, not order, to a court system that is in crisis and is struggling to manage a growing backlog of approximately one million cases.

On October 1, 2018, DOJ subjected all immigration judges to numeric case completion quotas as part of their performance reviews.¹ This policy subjects judges to disciplinary measures, including termination of their employment, if they fail to meet strict deadlines for dispensing with cases on their docket. DOJ even unveiled new software resembling a speedometer on a car that will be used to track how quickly judges decide cases. The numeric quotas will contribute to


¹ <https://www.justice.gov/eoir/page/file/1026721/download>


the Administration's broader agenda of hasty removal proceedings that undermine the fundamental tenets of a fair and impartial process.


In spite of all these attacks on immigration judges' most fundamental authorities, the DOJ petition against the union has the audacity to contend that immigration judges are 'management officials,' who therefore are not entitled to union representation. In fact, two decades ago, DOJ made a similar attempt to decertify the judges' union, and the FLRA ruled at that time that immigration judges do not act as managers. Furthermore, in the last two years, the DOJ has eliminated any opportunity for immigration judges to serve in an advisory capacity to management officials and has repeatedly refused even to consult NAIJ on decisions affecting daily court operations. More fundamentally, this effort to decertify the NAIJ illustrates the structural flaw in the immigration court system which is not an independent judicial branch of the government but is instead a part of DOJ.


The people who appear before our nation's immigration courts deserve a system that protects fairness, due process, and impartiality. NAIJ is an important part of a fair system. Therefore, we urge you to rescind the petition to decertify the NAIJ.

Sincerely,


Linda T. Sánchez
Member of Congress


James P. McGovern
Member of Congress

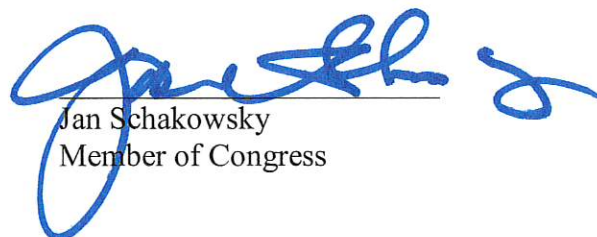

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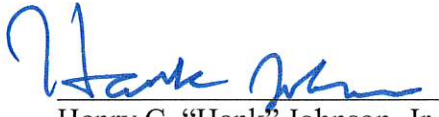

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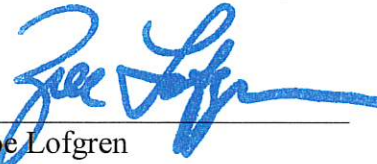
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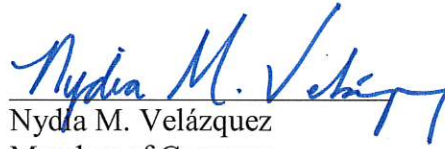
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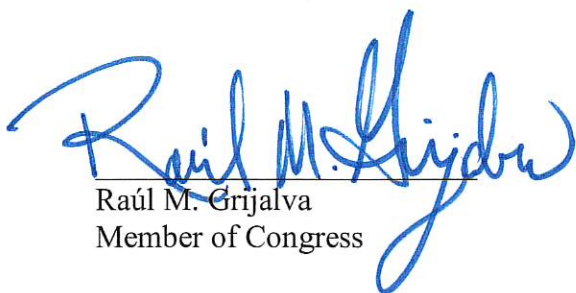
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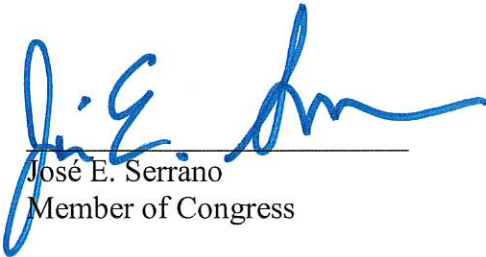
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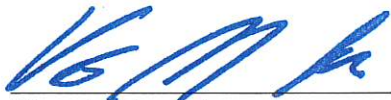
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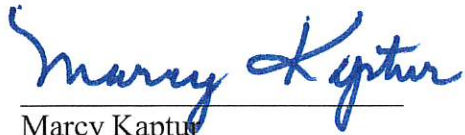
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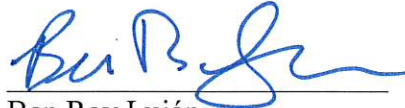
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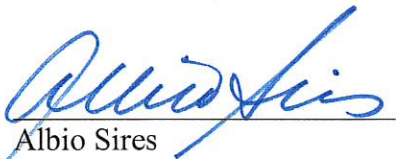
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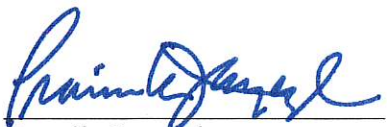
Dina Titus
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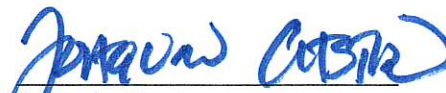
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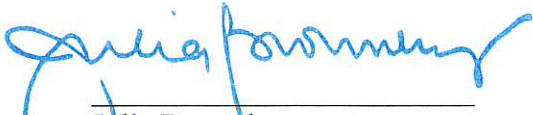
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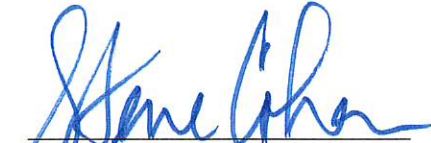
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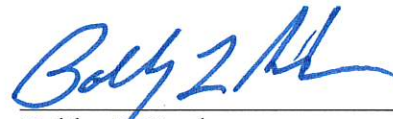

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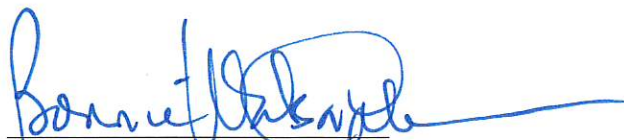

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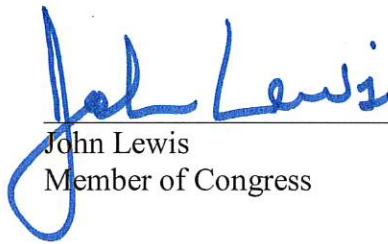
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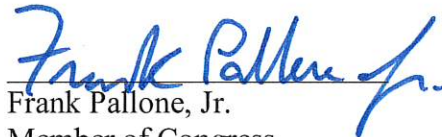
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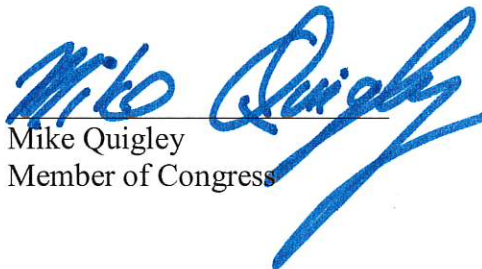
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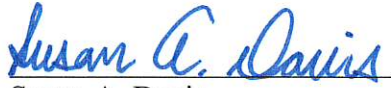
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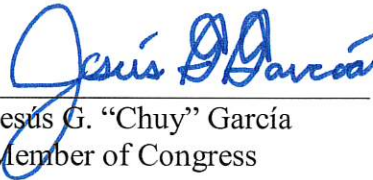
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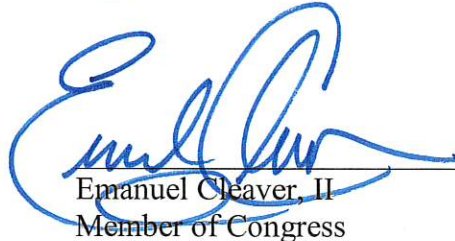
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