



FOR IMMEDIATE RELEASE August 3, 2020

Contact: Ashley Tabaddor, (310) 709-3580, ashleytabaddor@gmail.com

Immigration Judges Have Full Workplace Rights
Says Decision by Federal Labor Relations Authority
Attempt by U.S. Dept. of Justice to Decertify Union Has No Merit;
National Association of Immigration Judges Applauds Ruling

WASHINGTON – An attempt by the U.S. Department of Justice (DOJ) to decertify the union representing the nation’s 471 immigration judges, The National Association of Immigration Judges (NAIJ), has been soundly rejected by the U.S. Federal Labor Relations Authority (FLRA).

In a decision released late Fri. July 31, Susan S. Bartlett, Washington, D.C. regional director for the FLRA – the agency charged with protecting workplace rights of federal employees – found no merit in DOJ’s claim that immigration judges are managers who should be denied the right to form a union and bargain collectively with their employer.

Bartlett found that immigration judges are not management officials because they “act as judges, gathering facts from witnesses and documents, and applying those facts to existing laws, regulations and precedential BIA [Board of Immigration Appeals] decisions. . . . [T]hey do not create or influence” policies of the DOJ’s Executive Office of Immigration Review (EOIR).

Bartlett's ruling upholds a previous FLRA decision from 2000, rejecting an earlier attempt to decertify the union, based on nearly identical claims from the Department of Justice.

NAIJ President Ashley Tabaddor, a U.S. immigration judge in Los Angeles, applauded Bartlett's ruling. "We are extremely pleased with the regional director's careful and thorough decision, which recognizes the truth of our daily lives on the bench," said Tabaddor, who in addition to serving as the union's president is a federal judge who hears immigration cases in Los Angeles. "With the public facing a health crisis, and desperate for courtroom safety, the Department of Justice and EOIR have focused limited resources on litigating a matter already decided two decades ago. It's time to drop this decertification action and other efforts to silence judges and instead to focus on the important work of our courts," she added.

In upholding the judges' right to form a union, Bartlett thoroughly examined the duties and responsibilities of immigration judges and found that "the day-to-day duties and work of the IJs has not changed" since EOIR's prior, unsuccessful petition.

According to Tabaddor, "DOJ's efforts to decertify the union demonstrates, once again, the structural flaw of having the immigration court housed in a law enforcement agency like the DOJ. The only lasting solution is the creation of an independent immigration court."

To preserve judicial independence and provide fairness to all litigants, NAIJ advocates establishment of U.S. immigration courts under Article 1 of the U.S. Constitution, similar to U.S bankruptcy courts and the tax courts.

The National Association of Immigration Judges (NAIJ), founded in 1971, is a voluntary organization formed with the objectives of promoting independence and enhancing the professionalism, dignity, and efficiency of the Immigration Court.