

FEDERAL LABOR RELATIONS AUTHORITY

WASHINGTON, D.C.

U.S. DEPARTMENT OF JUSTICE

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(Agency)

AND

NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

**INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL
ENGINEERS JUDICIAL COUNCIL 2**

(Union)

No. WA-RP-19-0067-REC

AGENCY'S REQUEST FOR LEAVE TO FILE
AGENCY'S WITHDRAWAL OF REPRESENTATION PETITION

The U.S. Department of Justice, Executive Office of Immigration Review (Agency), pursuant to 5 C.F.R. §§ 2424.27 and 2429.26, respectfully submits the instant Agency's Request for Leave to File the Agency's Motion of Withdrawal of Representation Petition.

I. Procedural Background

On or about August 8, 2019, the Agency filed the Representation Petition herein with the FLRA Washington Regional Director seeking unit clarification and a determination that the bargaining unit of Immigration Judges was inappropriate because Immigration Judges are management officials under 5 U.S.C. § 7103(a)(11). On November 2, 2020, in its "Decision and Order on Review," the Authority ruled that the Agency's Immigration Judges are management officials under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7101, *et seq.* On November 17, 2020, Respondent filed its Motion for Reconsideration. On November 24, 2020, the Agency filed its Opposition to the Motion for Reconsideration. On June 21, 2021,

the Respondent filed its Motion for Leave, Motion to Remand and for Stay. On June 25, 2021, the Agency withdrew its Opposition to the Respondent's Motion for Reconsideration and, with respect to Respondent's Motion for Leave, Motion for Remand and for Stay, the Agency stated that it did not oppose remand.

II. Request for Leave to File the Agency's Motion of Withdrawal of Representation Petition

The Agency respectfully requests leave to file the Agency's Withdrawal of its Representation Petition.

Respectfully submitted,

Date: July 19, 2021

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STATEMENT OF SERVICE

This is to certify in accordance with 5 C.F.R. § 2422.4 and § 2429.27 that this Agency's Request for Leave to File the Agency's Withdrawal of Representation Petition was served on July 19, 2021, via electronic mail (as indicated) and first class mail, postage prepaid, on the following:

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