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On Biden’s Watch, During the Most Pro-Labor Administration in Modern History, Federal Immigration Judges Lost their Union Rights – How Will the Dept. of Justice Respond?

A Trump-appointed majority on the Federal Labor Relations Authority board voted earlier this year to strip immigration judges of their union rights in an attempt to silence their union, the National Assn. of Immigration Judges. The judges are taking steps to have their union of 51 years recertified and are challenging the FLRA decision in the courts, but will the DOJ restore their union rights and voluntarily recognize the union?

WASHINGTON – President Joe Biden addressed the AFL-CIO convention today in another sign of his support for organized labor -- but what about unionized federal immigration judges?

Earlier this year, the Federal Labor Relations Authority, acting on a 2019 petition filed by the Trump Administration designed to silence the immigration judges’ union, in an unusual and lawless move, [ordered](#) that these judges be stripped of their union rights. A well-established union, The National Association of Immigration Judges (NAIJ) had represented immigration judges for 51 years and has repeatedly sounded the alarm about a case backlog of 1.6 million immigration cases.

NAIJ has challenged the FLRA’s unlawful order through a [petition for review](#) filed with the D.C. Circuit. Separately, NAIJ has gathered signatures from immigration judges across the country supporting recertification and will soon file a petition with the FLRA to regain formal collective bargaining rights. The Department of Justice has the authority to voluntarily recognize the union – but will they?

“This entire episode has been about the prior administration’s political interference in the immigration system and outright hostility to union representation for federal employees,” said

NAIJ President Mimi Tsankov. “Under the Trump administration, the DOJ went to extraordinary lengths to silence immigration judges and remove their long-established union rights. The NAIJ calls on the DOJ to follow the Biden Administration’s labor policies and voluntarily recognize NAIJ.”

NAIJ, working through its national affiliations with both The International Federation of Professional and Technical Engineers (IFPTE) and the AFL-CIO, has asked the White House to support voluntary recognition.

“The Biden administration and the DOJ made it clear last year that they didn’t support the Trump administration’s effort to bust the judges’ union and they withdrew the petition filed by Attorney General Barr’s DOJ,” said IFPTE President Matt Biggs. “Now the DOJ needs to take the next step to ensure that immigration judges are treated justly.”

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. The union is an affiliate of the International Federation of Professional and Technical Engineers and the AFL-CIO.

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