



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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Hon. Will Hurd,
U.S. House of Representatives
317 Cannon Office Building
Washington, DC 20515

Hon. Pete Aguilar,
U.S. House of Representatives
1223 Longworth Office Building
Washington, DC 20515

Dear Representatives Hurd and Aguilar:

On behalf of the International Federation of Professional and Technical Engineers (IFPTE), we are writing regarding HR 4796, the Uniting and Securing America Act. While IFPTE applauds and supports your bipartisan efforts to provide relief and a path to citizenship for those who have acquired and are eligible for Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), we would also like to weigh-in with you regarding the bill's impact on our nation's Immigration Courts and Immigration Judges (IJs).

Included among IFPTE's membership is IFPTE Judicial Council II, the National Association of Immigration Judges (NAIJ), representing all of the non-managerial IJs across the nation. While the NAIJ itself cannot comment on substantive changes to laws which impact substantive remedies in Immigration Court proceedings, as a part of the representation work the NAIJ and IFPTE engages in on behalf of our members is our providing Congress guidance and insights as to our views on legislation and issues impacting Immigration Courts procedures, IJs' working conditions, and due process implications to those who appear before IJs. With respect to your bill, we are pleased to see and endorse Title III, Sections 301 through 303 which provides for hiring of more judges, diversifying the judge corps and increases training. We believe this a good step in the right direction.

We would also like to take this opportunity to raise for your attention, and flag as worthy of inclusion into your legislation if it is marked-up in committee, issues involving IJ working conditions, protection of IJ judicial independence and claimant due process protections that are in the public interest. Specifically, IFPTE and the NAIJ believe that your legislation is the correct legislative vehicle to protect the independence of IJs in order to assure due process for those who appear before them, as well as protect the integrity of the Immigration Courts. The current and misguided attempt by the Department of Justice (DOJ) to impose quotas and deadlines on judges (see NAIJ authored point paper included with this letter) will only impede justice, compromise due process, potentially politicize the Immigration Courts, and, given the litigation it will engender, will be counter-productive, resulting in an even bigger backlog. To these ends and to assure that the decisional independence provided in the current Immigration and Nationality Act and regulations is safeguarded, we propose that a provision be added after proposed section 301(b) which exempts immigration judges from performance evaluations (as are Administrative Law Judges in other tribunals). We suggest the following: "*Immigration Judges are exempt from performance reviews, as are administrative law judges under 5 U.S.C. section 4301(2)(d).*"

We appreciate your consideration and are available to meet to discuss this issue with you and/or your staff in person. Should you have any questions, please contact Matt Biggs at (202) 239-4880.

Sincerely,

Gregory J. Junemann,
President

Judge Ashley Tabaddor,
NAIJ President