



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

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Hon. Jerrod Nadler, Chairman  
House Judiciary Committee  
2138 Rayburn House Office Building  
Washington, DC 20515

Hon. Carolyn Maloney, Chairwoman  
House Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Hon. Robert Scott, Chairman  
House Education and Labor Committee  
2176 Rayburn House Office Building  
Washington, DC 20515

Hon. Zoe Lofgren, Chairwoman  
House Subcommittee on Immigration and Citizenship  
6320 O'Neill House Office Building  
Washington, DC 20515

Dear Chairwoman Maloney, Chairman Nadler, Chairman Scott, and Chairwoman Lofgren:

On behalf of the International Federation of Professional and Technical Engineers (IFPTE), the parent union of the National Association of Immigration Judges (NAIJ), we request that your respective Committees schedule a hearing to address recent developments in the U.S. Immigration Court system.

Earlier this month, the Democratic leaders and Members of the House Committee on Oversight and Reform, the House Judiciary Committee, the House Subcommittee on Immigration and Citizenship, and the House Education and Labor Committee were among the 80 Members of Congress who signed Congresswoman Linda Sanchez's letter to Attorney General Barr requesting that the Department of Justice (DOJ) rescind the agency's petition filed with the Federal Labor Relations Authority (FLRA) to reclassify Immigration Judges as "management officials" and therefore excluded them from union representation. DOJ's argument for reclassification was settled in 2000 when FLRA considered a similar DOJ petition and issued a well-reasoned decision stating that Immigration Judges duties and responsibilities were not consistent with those of management (56 FLRA 97).

We appreciate that you recognize that DOJ's attempt to decertify the NAIJ seeks to deny Immigration Judges their union rights and their platform to share their perspective and assessment on the Immigration Court. The decertification effort comes at a time when DOJ is implementing extraordinary changes at the Executive Office of Immigration Review (EOIR). On August 25, DOJ merged adjudication and policy-making functions within EOIR's Office of Policy, further crippling judicial independence by allowing EOIR to function as a law enforcement tool. In September, DOJ implemented its Migrant Protection Protocol (MPP) prioritization policies by reassigning Immigration Judges away from their home dockets, increasing the use of video teleconferencing, and directing Judges to hear MPP cases at an unsustainable rate – all of which only heightens the due process and judicial efficiency concerns that NAIJ has previously highlighted. Finally, DOJ's imposition of performance evaluations that include case completion quotas and deadlines, a policy now entering its second year, creates a fundamental conflict of interest for Immigration Judges.

Considering these developments, as well as the longstanding concerns NAIJ has raised about decisional independence, due process, unmet human capital and resource needs, and the structural flaw of locating the Immigration Court within a law enforcement agency, IFPTE urges your respective Committees to schedule a hearing and provide oversight on Immigration Court, DOJ's implementation of new policies, and DOJ's petition to decertify the NAIJ. We thank you for supporting the Immigration Judges' union rights and for considering our request. Should you have any questions, please feel free to contact either of us or IFPTE legislative representative Faraz Khan at (202) 239-4880.

Sincerely,

Paul Shearon  
President

Matthew Biggs  
Secretary-Treasurer/Legislative Director

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