



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

501 3rd Street, NW, Suite 701, Washington, DC 20001
202-239-4880 • FAX 202-239-4881 • www.ifpte.org

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Secretary-Treasurer

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Hon. Raul Labrador, Chair
Subcommittee on Immigration
6320 Ford Office Building
Washington, DC 20515

Hon. Zoe Lofgren, Ranking Member
Subcommittee on Immigration
H2-189 Ford Office Building
Washington, DC 20515

Dear Chairman Labrador & Ranking Member Lofgren:

On behalf of the International Federation of Professional and Technical Engineers (IFPTE), we are writing regarding Department of Justice's (DOJ) Executive Office of Immigration Review's (EOIR) intention to impose production quotas and case completion deadlines to our nation's Immigration Judges' (IJs) performance evaluations. We believe that such a move is reckless, injudicious, and will be counterproductive in reducing the 700,000 case backlog.

IFPTE's membership includes IFPTE Judicial Council II, the National Association of Immigration Judges (NAIJ), representing the non-managerial IJs across the nation. While the NAIJ itself does not comment on substantive changes to laws which impact remedies in Immigration Court proceedings, the representation work that NAIJ and IFPTE engages in on behalf of our members includes providing Congress guidance and insights as to our views on the impact of legislation and policy on procedural due process and administrative efficiency, including unilateral decisions like this one dealing with production quotas. While we believe that IJ performance should be fairly evaluated, allowing for quantitative measures by which to determine an IJ's performance is contrary to long held and accepted judicial standards of evaluating the job performance of judges.

This current misguided attempt to impose production quotas and deadlines on IJs will only impede justice, compromise due process, politicize the Immigration Courts, and – given the litigation it will engender – will increase the case backlog. We believe that through your oversight roles over the DOJ and specifically the EOIR, this issue requires a bipartisan effort in Congress to protect the independence of IJs. In doing so you will also assure due process for those who appear before IJs, as well as protect the integrity of the Immigration Courts themselves.

In addition to these counterproductive quotas and deadlines, we learned this week that the DOJ also plans to terminate the Legal Orientation Program (LOP) as of May 1st and the immigration court help desk program as of August 1st. IFPTE and the NAIJ are at a complete loss as to the justification for this move, as these programs provide basic but critical guidance on the deportation and detention process to people in immigration jails. These programs also improve judicial efficiency for the Immigration Courts and allow IJs to hear and decide cases more proficiently.

We urge you both to consider the following solutions to these two critically important issues:

1. **Production Quotas:** The ideal way to ensure that Immigration Courts are independent and neutral is through the introduction and passage of bipartisan legislation that removes the Immigration Courts from the Department of Justice's jurisdiction. IFPTE and NAIJ urge you both to craft and pass such a bill, while taking the immediate step now to block the DOJ and EOIR from moving forward with production quotas by working with appropriators to defund implementation of the imposition of quotas through the Fiscal Year 2019 (FY19) Commerce, Justice and Science appropriations bill. To these ends and to assure that the decisional independence provided in the current Immigration and Nationality Act and regulations is safeguarded, we believe that this is the most expedient and effective way to prevent this unjust policy from moving forward.

2. Termination of the LOP and help desk programs: FY18 report language included in the CJS portion of the Omnibus bill clearly requires the EOIR to “continue ongoing programs,” while also recognizing the need to expand the LOP program and stipulating that CJS appropriated funding, “sustains the current legal orientation program and related assistance, such as the information desk pilot.” The DOJ and EOIR are clearly in violation of the intent of Congress with respect to both the LOP and help desk programs. IFPTE and the NAIJ urge you to send a bipartisan letter to the DOJ expressing concerns with this issue, and requesting that they cease and desist from pursuing the elimination of these two programs.

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,



Paul Shearon,
Secretary-Treasurer



Judge Ashley Tabaddor,
NAIJ President