

RASKIN URGES DOJ TO UPHOLD COLLECTIVE BARGAINING RIGHTS OF IMMIGRATION JUDGES

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Body

The following information was released by the office of Maryland Rep. Jamie Raskin:

U.S. Representative Jamie Raskin (MD-08) joined Rep. Linda T. Sanchez (CA-38), Chairwoman of the Congressional Hispanic Caucus **Immigration** Task Force, and 79 colleagues in urging Attorney General William Barr to withdraw a petition to decertify the National Association of **Immigration** Judges (NAIJ), the labor union of federal **immigration** judges. The petition, filed on August 19, 2019, by the Department of Justice (DOJ), is currently before the Federal Labor Relations Authority.

"DOJ's idea to strip **immigration** judges of their collective bargaining rights is yet another offensive example of the Trump administration's anti-immigrant agenda," said Rep. Linda Sanchez. "A move like that would undermine the judges' independence and further a larger effort to dismantle unions representing the federal workforce. It's never been more important to maintain the fundamental tenets of a fair and impartial judiciary particularly **immigration** proceedings. I am so proud to see so many of my colleagues join me in standing in solidarity alongside the National Association of **Immigration** Judges."

Judge Ashley Tabaddor, President of the National Association of **Immigration** Judges (NAIJ) "NAIJ greatly appreciates the leadership of Congresswomen Sanchez in organizing this letter and her steadfast support of the **immigration** judges across the nation. NAIJ remains confident the DOJ will not be able to decertify the NAIJ and stifle the call for judicial independence and fairness."

Richard Trumka, President of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) "The attacks on the rights of **immigration** judges to exercise their freedom to collectively bargain is shameful. This is yet another direct attack on our union brothers and sisters, who are serving our country honorably, while being unfairly targeted by the Trump administration. We call for an end to these aggressive actions against the National Association of **Immigration** Judges so they can continue to be an independent **voice** for justice."

Gregory Chen, Director of Government Relations for the American **Immigration** Lawyers Association (AILA) "Time after time, we have seen this administration undermine the independence of **immigration** judges and due process within the **immigration** court system. Trying to decertify the judges' union is only the latest tactic DOJ has turned to, after imposing strict performance quotas on judges and micromanagement of dockets. Ultimately, the only way to protect the sanctity of due process and the rights of immigrants, who rightfully expect a fair day in court, will be for Congress to pass a law creating an independent **immigration** court under Article I of the Constitution."

Paul Shearon, President of the International Federation of Professional and Technical Engineers (IFPTE) "The Justice Department's attempt to silence the **Immigration** Judges comes at a time when DOJ is expanding its control over the adjudication process and as the union continues to offer transparency and analysis on the

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Immigration Court while advocating for due process and judicial independence. The National Association of Immigration Judges, IFPTE Judicial Council 2, has demonstrated both an effective voice for its members and the public good by advocating for a better, more functional Immigration Court. IFPTE applauds the Members of Congress who stand with the Immigration Judges' right to union representation."

The full text of the letter follows and can be found here.

Dear Attorney General Barr:

We write to express our deep concern and opposition to the petition you filed on August 19, 2019 attempting to decertify the National Association of Immigration Judges (NAIJ), the labor union of federal immigration judges. The petition seeks to squash the collective bargaining rights of immigration judges. This effort is one of many actions the Department of Justice (DOJ) has taken that are systematically undermining the independence of immigration judges and the integrity of the judicial system. In addition, this is one of several examples where the Trump Administration has sought to dismantle unions representing the federal workforce. We urge you to withdraw your petition before the Federal Labor Relations Authority (FLRA) and take immediate steps to restore to immigration judges the powers they need to operate a fair and efficient immigration court system.

Immigration judges are classified as government attorneys despite serving in a judicial capacity, a status which leaves them particularly vulnerable to political pressure and executive branch interference. Therefore, the NAIJ serves as a critical independent voice for immigration judges who otherwise face limited discretion and authority when deciding life-altering cases. Already this Administration has made every effort to limit immigration judges' independence, management, and authority. Your predecessor and you have issued an unprecedented number of certified opinions that attempt to rewrite immigration law and strip immigration judges of docket management tools essential for the thorough and efficient processing of cases. Your abuse of the certification process has interfered with judicial independence, distorted asylum and detention laws, and is undermining public confidence in the court as a fair and impartial system. These dramatic, unilateral changes in procedure are bringing chaos, not order, to a court system that is in crisis and is struggling to manage a growing backlog of approximately one million cases.

On October 1, 2018, DOJ subjected all immigration judges to numeric case completion quotas as part of their performance reviews. This policy subjects judges to disciplinary measures, including termination of their employment, if they fail to meet strict deadlines for dispensing with cases on their docket. DOJ even unveiled new software resembling a speedometer on a car that will be used to track how quickly judges decide cases. The numeric quotas will contribute to the Administration's broader agenda of hasty removal proceedings that undermine the fundamental tenets of a fair and impartial process.

In spite of all these attacks on immigration judges' most fundamental authorities, the DOJ petition against the union has the audacity to contend that immigration judges are 'management officials,' who therefore are not entitled to union representation. In fact, two decades ago, DOJ made a similar attempt to decertify the judges' union, and the FLRA ruled at that time that immigration judges do not act as managers. Furthermore, in the last two years, the DOJ has eliminated any opportunity for immigration judges to serve in an advisory capacity to management officials and has repeatedly refused even to consult NAIJ on decisions affecting daily court operations. More fundamentally, this effort to decertify the NAIJ illustrates the structural flaw in the immigration court system which is not an independent judicial branch of the government but is instead a part of DOJ.

The people who appear before our nation's immigration courts deserve a system that protects fairness, due process, and impartiality. NAIJ is an important part of a fair system. Therefore, we urge you to rescind the petition to decertify the NAIJ.

Sincerely,

Co-signers include: James P. McGovern (MA-02), Eleanor Holmes Norton (DC), Norma J. Torres (CA-35), Alan Lowenthal (CA-47), Adam Smith (WA-09), Juan Vargas (CA-51), Jan Schakowsky (IL-09), Henry C. "Hank" Johnson, Jr. (GA-04), Jerrold Nadler (NY-10), Grace F. Napolitano (CA-32), Zoe Lofgren (CA-19), Danny K. Davis

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(IL-07), Nydia M. Velazquez (NY-07), Sylvia Garcia (TX-29), Bill Foster (IL-11), Rashida Tlaib (MI-13), Adriano Espaillat (NY-13), Ral M. Grijalva (AZ-03), Gwen Moore (WI-04), Tony Cardenas (CA-29), Mark Pocan (WI-02), Ro Khanna (CA-17), Deb Haaland (NM-01), Ted Deutch (FL-22), Jaime Raskin (MD-08), Jose E. Serrano (NY-15), Grace Meng (NY-06), Debbie Wasserman Schultz (FL-23), Lucille Roybal-Allard (CA-40), Vicente Gonzalez (TX-15), Daniel T. Kildee (MI-05), Marcy Kaptur (OH-09), William R. Keating (MA-09), Judy Chu (CA-27), Ben Ray Lujan (NM-03), Darren Soto (FL-09), James R. Langevin (RI-02), Albio Sires (NJ-08), Dina Titus (NV-03), Donald Norcross (NJ-01), Brian Higgins (NY-26), Pramila Jayapal (WA-07), Joaquin Castro (TX-20), Julia Brownley (CA-26), Brenda L. Lawrence (MI-14), Steve Cohen (TN-09), Xochitl Torres Small (NM-02), David N. Cicilline (RI-01), Bobby L. Rush (IL-01), Mark DeSaulnier (CA-11), J. Luis Correa (CA-46), Max Rose (NY-11), Earl Blumenauer (OR-03), Bonnie Watson Coleman (NJ-12), Filemon Vela (TX-34), Susan Wild (PA-07), Gilbert R. Cisneros (CA-39), Joe Neguse (CO-02), Cheri Bustos (IL-07), Mark Takano (CA-41), John Lewis (GA-05), Dutch Ruppersberger (MD-02), Frank Pallone Jr. (NJ-06), Jason Crow (CO-06), Mike Quigley (IL-05), Karen Bass (CA-37), Elijah E. Cummings (MD-07), Susan A. Davis (CA-53), Andre Carson (IN-07), Jared Huffman (CA-02), Nanette Diaz Barragan (CA-44), Anthony Brown (MD-04), Debbie Mucarsel-Powell (FL-26), Barbara Lee (CA-13), Jess G. "Chuy" Garca (IL-04), Joseph P. Kennedy, III (MA-04), Donna Shalala (FL-27), Charlie Crist (FL-23)

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