

Congress of the United States
Washington, DC 20515

August 9, 2022

The Honorable Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Lisa Monaco
Deputy Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland and Deputy Attorney General Monaco:

We are writing to draw your immediate attention to an ongoing effort to restore collective bargaining rights for immigration judges (IJs). We appreciate that the Department of Justice (DOJ) rescinded the Trump-era petition to decertify the National Association of Immigration Judges (NAIJ) and erroneously classify immigration judges as management officials. As NAIJ-IFPTE Judicial Council 2 pursues a union election we ask the DOJ to consider allowing the appropriateness of the bargaining unit, thereby allowing these federal employees to exercise their statutory rights to a union.

Since 1979, the NAIJ has served as a critical independent voice for immigration judges who otherwise face limited discretion and authority in the court room. The former Administration sought to silence NAIJ as its members became increasingly alarmed by the administration's political interference in the court, the chaotic unilateral changes that threatened fairness and judicial independence, and the weaponization of the court into an immigration enforcement tool. The former Administration retaliated by relentlessly pursuing an effort that effectively decertified NAIJ. We appreciate the steps the Biden Administration has taken to undo these harms and support the right to organize for all federal employees.

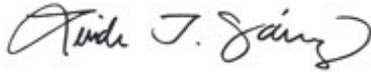
To fully restore IJs' collective bargaining rights, the NAIJ filed a petition with the Federal Labor Relations Authority (FLRA) seeking a union representation election. We understand that the FLRA's Washington Region office has asked DOJ whether it objects to the appropriateness of the bargaining unit as part of this process. The FLRA's Washington Regional Director has already affirmed the appropriateness of the NAIJ bargaining unit and IJs' union rights, finding no merit in claims that IJs are management officials.

We ask you to consider remaining consistent with the agency's June 25, 2021 withdrawal of its opposition to NAIJ's motion to reconsider the decertification and the July 19, 2021 withdrawal of the 2019 FLRA petition to misclassify all nonsupervisory IJs. This will allow immigration judges to determine for themselves if they wish to recertify NAIJ as their union. We believe this position is consistent with the White House Task Force on Worker Organizing and Empowerment, which recommends OPM and agencies should "correct the bargaining unit status of federal sector positions" that may be improperly classified.

We firmly support federal employees' right to organize and join a union, and we appreciate your full and fair consideration of our request, consistent with applicable agency guidelines.

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Sincerely,



Linda T. Sánchez
Member of Congress



Mark Pocan
Member of Congress



Debbie Dingell
Member of Congress



Thomas R. Suozzi
Member of Congress



Daniel T. Kildee
Member of Congress



Jamie Raskin
Member of Congress



Rashida Tlaib
Member of Congress



Nanette Diaz Barragán
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Anthony G. Brown
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Jan Schakowsky
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James P. McGovern
Member of Congress



Tony Cárdenas
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Eleanor Holmes Norton
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Adam Smith
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Nikema Williams
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Jerrold Nadler
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Henry C. "Hank" Johnson, Jr.
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Brenda L. Lawrence
Member of Congress



Yvette D. Clarke
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Zoe Lofgren
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Ro Khanna
Member of Congress

André Carson

André Carson
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