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*NVP for Women & Fair Practices*

June 1, 2021

The Honorable Merrick Garland  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

Dear Attorney General Garland:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents 700,000 federal and District of Columbia government employees – including tens of thousands at the Department of Justice (DOJ) – I write to urge your Department to maintain the statutory labor rights of the National Association of Immigration Judges (NAIJ) and to review and urge reversal of the Federal Labor Relations Authority’s (FLRA) November 2, 2020 decision that stripped the NAIJ of their unit certification by incorrectly classifying all of the 500 non-supervisory Immigration Judges as “management officials.”

The DOJ under former Attorney General William Barr filed the petition with the FLRA seeking to reclassify Immigration Judges as management officials and decertify NAIJ. In response, the FLRA decided in November to overturn a well-reasoned decision issued on July 31, 2020 by the FLRA Washington, D.C. Regional Director which affirmed that Immigration Judges are not management officials and therefore are able to unionize.

The majority decision authored by two Trump-appointed FLRA members was countered by FLRA Member Ernest DuBester’s strong and thorough dissent calling the decision “the antithesis of reasoned decision making” and concluding that “it is abundantly clear that the majority’s sole objective is to divest the [Immigration Judges] of their statutory rights.” The politicized action on the part of the Trump DOJ and the baseless illegal decision by the FLRA should not be allowed to stand and remain unaddressed.

Currently, there is a motion to reconsider the November 2, 2020 decision currently pending at the FLRA, and we urge the DOJ to withdraw its opposition to that motion, withdraw its decertification petition, and take all steps to restore collective bargaining rights for NAIJ members.

AFGE is the nation’s largest federal employee union, and we stand in solidarity with our sisters and brothers at the NAIJ against this union-busting decision, which was the culmination of the Trump administration’s orchestrated attacks against NAIJ, federal employees’ collective bargaining rights, and labor unions as a whole.

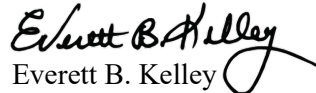
In stark contrast to former President Trump’s open hostility toward labor unions, President Biden pledged to be “the most pro-union president you’ve ever seen.” We urge you to help honor this commitment by taking all necessary action to review and rescind this egregious decision rendered by the FLRA and uphold the Regional Director’s July 31, 2020 decision.



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I thank you for your consideration. If you have any questions about AFGE's position, please contact Sandra Salstrom, [sandra.salstrom@afge.org](mailto:sandra.salstrom@afge.org); 202-765-8439.

Sincerely,

  
Everett B. Kelley  
National President

