

Daily Labor Report ®

Immigration Judges Petition Labor Panel to Restore Union Status

By Andrew Kreighbaum

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- Move comes after labor board's shift to Democratic control
 - Trump administration said judges not entitled to unionize
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The union representing some 500 federal immigration judges is seeking to restore its recognition after a federal labor panel ruled earlier this year that it should be decertified.

The National Association of Immigration Judges filed a petition Thursday to have the Federal Labor Relations Authority restore its union status now that the board has shifted to Democratic control.

The FLRA, which oversees labor relations at federal agencies, in January denied the NAIJ's appeal of a Trump-era ruling that the immigration judges aren't entitled union representation. The union is appealing that ruling at the US Court of Appeals for the District of Columbia Circuit.

The three-member panel that decided the case switched from a Republican to Democratic majority in May when the Senate confirmed Biden nominee Susan Tsui Grundmann to replace Republican James Abbott.

The Department of Justice, which oversees immigration judges, had already agreed to recognize the union as part of a settlement agreement reached late last year. But the DOJ stopped recognizing the union in April after FLRA told its regional director to decertify it.

At the time, the DOJ and the judges union were in the midst of collective bargaining on new performance metrics, said Judge Mimi Tsankov, the union's president.

"We are very confident that we will be successful in this new petition," she said.

Tsankov urged the Justice Department to offer voluntary recognition of the union while it waits for a decision from the FLRA's new majority. An agency spokeswoman didn't immediately respond to a request for comment on the petition.

The DOJ's Executive Office for Immigration Review oversees immigration courts and the hundreds of judges who preside over them. The House Judiciary Committee in May passed legislation to make the immigration court system into an independent judiciary, a step urged by lawyers and judges to remove partisan meddling.

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