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February 3, 2021

Ms. Tyler Moran
Special Assistant to the President for Immigration
Domestic Policy Council
Room 469, 1650 Pennsylvania Avenue, N.W.
Washington, D.C. 20502

Dear Ms. Moran:

I am writing to request that you take all necessary actions to preserve the right of immigration judges to be represented by a union.

The nation's 500 immigration judges are employees of the Department of Justice (DOJ). For over 40 years, non-supervisory immigration judges have been represented by their union, the National Association of Immigration Judges.

In 2019, the Trump administration's DOJ filed a petition to strip immigration judges of their statutory right to be represented by a union. This was an act of retaliation against the union for its criticism of quotas and time limits that DOJ managers imposed on immigration judges—which the union warned were undermining the decisional independence of immigration judges and the due process rights of immigrants.

On November 22, 2020, the Republican majority on the Federal Labor Relations Authority (FLRA) overturned a determination by its own general counsel and twenty years of FLRA precedent, ruling in favor of DOJ's petition to decertify the union. The Democratic member of the Authority dissented, characterizing the majority's decision as "the antithesis of reasoned decision making." At this moment, the Regional Director of the D.C. region of the FLRA's Office of General Counsel is implementing the majority's ruling.

Decertification of the immigration judges' union is contrary to longstanding precedents and clear retaliation against immigration judges for their fair and impartial adjudication of the nation's immigration laws. I request that you, as Attorney General-designate, take all necessary actions to ensure that immigration judges can continue to be represented by their union.

Sincerely,



Kirsten Gillibrand
United States Senator

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