



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

501 3rd Street, NW, Suite 701, Washington, DC 20001
202-239-4880 • FAX 202-239-4881 • www.ifpte.org

MATTHEW S. BIGGS
President

GAY HENSON
Secretary-Treasurer

AREA VICE PRESIDENTS

Gerald Newsome
EXECUTIVE VICE PRESIDENT
ATLANTIC

Katie Barrows
SOUTHEAST

Joel Funfar
SPEEA

Frances Hsieh
WESTERN

Michelle Johnston
CANADIAN

R. Matthew Joyce
SPEEA

John Mader
WESTERN

Richard Mahe
CANADIAN

Sean P. McBride
ATLANTIC

Rena McKenzie
EASTERN FEDERAL

Denise Robinson
NORTHEAST

Ryan Rule
SPEEA

Jamie Uyeunten
WESTERN FEDERAL

Gus Vallejo
WESTERN

July 27, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Kamala D. Harris
Vice President of the United States
Eisenhower Executive Office Building
1800 G Street NW
Washington, DC 20502

Dear Mr. President and Madam Vice President:

We write to you as members of the IFPTE Legal Sector Working Group, an alliance of unions in the U.S. and Canada. The IFPTE represents more than 80,000 workers across North America. The Legal Sector Working Group share our appreciation and support for the Biden-Harris Administration's commitment to protect the union rights of the federal workforce.

We write to support the National Association of Immigration Judges (NAIJ)-IFPTE Judicial Council 2, re-certification effort, after the April 15, 2022 decision of the Federal Labor Relations Authority (FLRA) removing immigration judges from their bargaining unit by erroneously classifying these Department of Justice (DOJ) employees as "management officials." This decision resulted in the loss of union members by effectively decertifying their union, which has been a legally recognized union since 1979. On July 21, 2022, the NAIJ filed a petition with the FLRA seeking re-certification in order to:

- Support union rights for federal employees; and
- To ensure that federal administrations aren't subject to unchecked political influence, and reduced transparency.

The DOJ began this anti-union effort during the Trump Administration as retaliation against a federal employee union that expressed grave concerns about the violation of judicial ethics and due process rights that were caused by unilateral changes in working conditions, improper management, and agency policies. The original November 2, 2020 FLRA decision that removed the immigration judges' statutory union rights was issued by the two-member Trump appointed majority and was so deeply flawed and poorly reasoned that then-FLRA Member and now-FLRA Chair Ernest DuBester wrote a dissent that concluded, "it is abundantly clear that the majority's sole objective is to divest the IJs [immigration judges] of their statutory rights" (71 FLRA No. 207). The decision to decertify the NAIJ was a win for the Trump Administration which, based on flimsy reasoning, eviscerated a

union's long-standing labor rights with far-reaching consequences for all federal employees. This attack emboldens future administrations to commandeer immigration court cases with more political authority, less transparency, and questionable impartiality.

Sadly, this attack on the union rights of immigration judges continued 15 months into the Biden-Harris Administration despite the DOJ, under Attorney General Garland, filing a motion to the FLRA to withdraw the petition to misclassify immigration judges as management, as well as a motion announcing DOJ withdraws their opposition to NAIJ's motions for reconsideration. Although DOJ no longer sought to take away immigration judges' union rights and decertify their union, the FLRA continued the Trump Administration's union-busting effort because FLRA decisions are issued by a two-member majority that was appointed by the Trump Administration. The delayed confirmation of Susan Grundmann to the FLRA has had severe consequences for these DOJ employees, and all federal employees since the FLRA issued poorly reasoned decisions and overturned decades of precedent.

The Biden-Harris Administration, under Attorney General Garland, has the authority to fix this wrong, and we call upon it to join in the petition to re-certify the NAIJ. It's an action that is right for labor and right for the immigration courts.



Dana Fisher
Chair
IFPTE Legal Sector Working Group