



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

Renae McKenzie
EASTERN FEDERAL

Denise Robinson
NORTHEAST

Ryan Rule
SPEEA

Jamie Uyeunten
WESTERN FEDERAL

Gus Vallejo
WESTERN

FOR IMMEDIATE RELEASE

Thursday, September 2, 2021

Contact: Faraz Khan

fkhan@ifpte.org

202-239-4892

IFPTE Statement on DOJ EOIR's Failure to Adhere to Federal Labor Statute and Biden Administration's Federal Workforce Policy

EOIR Continues to Refuse Recognizing Immigration Judges Union, Despite FLRA Complaint Finding Agency is Violating Labor Law

Washington, D.C. – The officers of the International Federation of Professional and Technical Engineers (IFPTE), the parent union of the National Association of Immigration Judges-IFPTE Judicial Council 2 (NAIJ), responded to the Department of Justice Executive Office of Immigration Review's (EOIR) continuing refusal to follow federal labor law and recognize NAIJ.

IFPTE President Matthew Biggs commented:

“We’re deeply concerned by the Justice Department and EOIR’s refusal to recognize the NAIJ. Make no mistake, this is a blatant failure by EOIR and DOJ to live up to the Biden Administration’s clear directives to agencies to reverse the Trump Administration’s anti-union and anti-federal employee policies. The FLRA General Counsel’s complaint finds merit in NAIJ’s unfair labor practice changes and is an opportunity to reset labor-management relations so that EOIR leadership and NAIJ can work collaboratively. We continue to encourage EOIR and DOJ to take the correct next step and recognize the union and immigration judges’ union rights, which have not been formally revoked.”

IFPTE Secretary-Treasurer Gay Henson remarked:

“President Biden ordered agencies to undo the anti-labor actions of the previous administration and work with unions in good faith. DOJ and EOIR are failing to meet that standard. Restoring a collaborative labor-management relationship is important right now as immigration courts are dealing with an increase in asylum cases and a massive backlog, as due process concerns and pandemic-related safety issues are missing immigration judges’ perspective, and as new technologies and systems are being implemented without input from NAIJ. Productive labor-management engagement is needed to facilitate judicial efficiency, to ensure due process concerns are addressed, and to provide a safe workplace and hearing rooms in the immigration court. EOIR can fix this by following the law and recognizing NAIJ.”

On Tuesday, EOIR denied the findings of a Federal Labor Relations Authority’s (FLRA) complaint that consolidates three unfair labor practice (ULP) charges filed by NAIJ and found merit in those charges. In the complaint, the FLRA found that the agency violated the federal labor statute by failing to recognize NAIJ and the union’s collective bargaining agreement and failed to notify and negotiate with the union regarding changes in employment conditions.

The ULP charges stem from EOIR acting prematurely and without authority to implement the November 2, 2020 FLRA decision that erroneously classified non-supervisory immigration judges as “management officials” and ineligible for collective bargaining rights. The 2020 FLRA decision ordered the FLRA Washington Regional Director – not EOIR – to exclude immigration judges from the bargaining unit. The Regional Director has not yet issued the order decertifying NAIJ.

###

IFPTE represents 90,000 highly skilled workers in the federal, public, and private sectors and is an affiliate of the AFL-CIO. More information can be found at www.IFPTE.org.

