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Finally, Some Justice for Immigration Judges Two-Year Union Busting Battle Ends as DOJ Reverses Course and Agrees to Recognize NAIJ, the Judges' Union

WASHINGTON – In a major reversal, the Department of Justice's Executive Office for Immigration Review (EOIR), which administers the U.S. immigration courts, has agreed to a settlement with the National Association of Immigration Judges to again recognize NAIJ as the exclusive union representative and collective bargaining agent for the nation's more than 500 immigration judges. Today's announcement puts to an end an effort begun in 2019 by the DOJ, at the direction of the Trump administration, to strip away union rights from the nation's immigration judges.

“Finally, this unjust and cynical attempt to silence immigration judges has ended,” said NAIJ President Judge Mimi Tsankov. “NAIJ has represented immigration judges for 42 years and with this settlement we can continue to negotiate collective bargaining agreements for and to be a voice for those who adjudicate immigration decisions now and into the future.”

Under former Attorney General William Barr, the DOJ went to extraordinary lengths to silence immigration judges, including a rare attempt to decertify an established federal union. This hostility toward immigration judges and their representatives continued even after President Biden's inauguration and despite the Biden administration's directives that federal agencies work more closely with

their unions to improve the federal workplace. In July, a complaint brought by the Federal Labor Relations Authority (FLRA) General Counsel charged EOIR with engaging in unfair labor practices by failing to recognize NAIJ and the union's collective bargaining agreement, and furthermore by failing to notify and bargain with NAIJ on changes to employment conditions.

As a result of today's settlement, the FLRA withdrew its complaint and NAIJ also withdrew its own unfair labor practice complaints against EOIR pending before the FLRA. The union hopes that today's agreement will lead to a more productive relationship with EOIR.

"Having a union helps judges maintain their decisional independence, protects them from political pressures, and provides a mechanism to remedy injustices," said Tsankov. "The immigration courts work best when judges are treated justly. We can now get back on track and focus our attention on supporting immigration judges and the serious work of advancing the EOIR mission."

The National Association of Immigration Judges (NAIJ), an affiliate of the International Federation of Professional and Technical Engineers (IFPTE), has been the recognized union representative for all non-supervisory U.S. immigration judges since 1979.

The National Association of Immigration Judges (NAIJ), founded in 1971, is a voluntary organization formed with the objectives of promoting independence and enhancing the professionalism, dignity, and efficiency of the Immigration Court.

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