

**FEDERAL LABOR RELATIONS AUTHORITY
WASHINGTON, D.C.**

**U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

(Agency)

AND

**NATIONAL ASSOCIATION OF IMMIGRATION JUDGES
INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL
ENGINEERS JUDICIAL COUNCIL 2**

(Union)

No. WA-RP-19-0067-REC

**AGENCY’S WITHDRAWAL OF OPPOSITION TO
RESPONDENT’S MOTION FOR RECONSIDERATION**

Table of Contents

I. Procedural Background2
II. Withdrawal of Opposition.....2

The U.S. Department of Justice, Executive Office for Immigration Review (Agency) respectfully submits this withdrawal of opposition to “Respondent’s Motion for Reconsideration and for Stay” (Motion for Reconsideration). Because this filing is not expressly authorized by the Authority’s regulations, it is accompanied by a separate request for leave to submit same under 5 C.F.R. §§ 2424.27 and 2429.26.

I. Procedural Background

By “Decision and Order on Review” dated November 2, 2020, the Authority ruled that the Agency’s Immigration Judges are management officials under the Federal Service Labor-Management Relations Statute, 5 U.S.C. § 7101, *et seq.* Respondent filed its Motion for Reconsideration on November 17, 2020.¹ The Agency filed its opposition to the Motion for Reconsideration on November 24, 2020. On June 21, 2020, the Respondent filed its Motion for Leave, Motion for Remand and for Stay.

II. Withdrawal of Opposition

The Agency respectfully withdraws its opposition to the Motion for Reconsideration.² Furthermore, with respect to Respondent’s Motion for Leave, Motion for Remand and for Stay, the Agency respectfully states that it does not oppose remand.

Respectfully submitted,

Date: June 25, 2021

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¹ *Amicus curiae* briefs in support of Respondent’s Motion for Reconsideration were filed by the Association of Administrative Law Judges, International Federation of Professional Employees, AFL-CIO, on November 16, 2020, and the American Federation of Government Employees, AFL-CIO, on December 15, 2020. The Agency filed an opposition to the Association of Administrative Law Judges’ *amicus* brief on November 24, 2020.

² The Agency also respectfully withdraws its opposition to the *amicus curiae* brief filed by the Association of Administrative Law Judges.

STATEMENT OF SERVICE

This is to certify in accordance with 5 C.F.R. § 2422.4 and § 2429.27 that this Agency's Withdrawal of Opposition to Respondent's Motion for Reconsideration was served on June 25, 2021, via Federal Express and email (as indicated) on the following recipients:

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