

 An official website of the United States government  
[Here's how you know](#)



### (a) General

The Board consists of 23 Board Members, including a Chairman and up to two Vice Chairmen. Under the direction of the Chairman, the Board uses a case management system to screen all cases and manage its caseload. 8 C.F.R. § 1003.1(e). Under this system, the Board adjudicates cases in one of three ways:

**(1) Individual** - The majority of cases at the Board are adjudicated by a single Board Member. In general, a single Board Member decides the case unless the case falls into one of six categories that require a decision by a panel of three Board Members. These categories are:

**(A)** the need to settle inconsistencies among the rulings of different immigration judges

**(B)** the need to establish a precedent construing the meaning of laws, regulations, or procedures

**(C)** the need to review a decision by an Immigration Judge or DHS that is not in conformity with the law or with applicable precedents

**(D)** the need to resolve a case or controversy of major national import

**(E)** the need to review a clearly erroneous factual determination by an Immigration Judge

**(F)** the need to reverse the decision of an Immigration Judge or DHS in a final order, other than nondiscretionary dispositions.

**(2) Panel** - Cases not suitable for consideration by a single Board Member are adjudicated by a panel consisting of three Board Members. The panel of three Board Members renders decisions by majority vote. Cases are assigned to specific panels pursuant to the Chairman's administrative plan. The Chairman may change the composition of the sitting panels and may reassign Board Members from time to time.

**(3) En Banc** - The Board may, by majority vote or by direction of the Chairman, assign a case or group of cases for full en banc consideration. 8 C.F.R. § 1003.1(a)(5). By regulation, en banc proceedings are not favored.

### (b) Chairman and Vice Chairman

The Chairman directs, supervises, and establishes internal operating procedures and policies for the Board. The Chairman is assisted in the performance of his or her duties by one or two Vice Chairmen. The Chairman and Vice Chairmen are sitting Board Members.

### (c) Board Members

Board Members, including the Chairman and the Vice Chairmen, adjudicate cases coming before the Board. 8 C.F.R. § 1003.1(a)(2)(i)(E). Board Members may recuse themselves under any circumstances considered sufficient to require such action. A vacancy, absence, or unavailability of a Board Member does not impair the right of the remaining members to exercise all the powers of the Board. When circumstances so warrant, Immigration Judges, retired Board Members, retired Immigration Judges, Administrative Law Judges, and senior EOIR attorneys with at least ten years of experience in the field of immigration law may be designated as Temporary Board Members. 8 C.F.R. § 1003.1(a)(4). Parties appearing before the Board may not request specific Board Members or a specific panel to adjudicate their case. The Board also does not entertain inquiries regarding the identity of the panel or Board Members assigned to a pending case.

**(d) Legal Staff**

The Board employs a legal staff assigned to support designated panels, Board Members, and functions. See generally 8 C.F.R. § 1003.1(a)(6).

**(e) Clerk's Office**

The Office of the Clerk is responsible for managing appellate records and information for the Board. The Clerk's Office is headed by the Chief Clerk of the Board. Cases in which an alien is not detained are processed by two regional teams (East and West), depending on the location of the Immigration Court. Cases involving detained aliens are processed by the Priority Case Management team. The Docket team processes adjudicated cases and serves decisions on parties. Various other teams provide management and administrative support to all operations.

< 1.2 - Function of the Board

up

1.4 - Jurisdiction and Authority >

*Updated December 20, 2021*