

Unit (AAU), is a component of DHS. The AAO is responsible for adjudicating appeals from DHS denials of certain kinds of applications and petitions, including employment-based immigrant petitions and most nonimmigrant visa petitions. See 8 C.F.R. §§ 103.2, 103.3. The AAO is not a component of EOIR and should not be confused with EOIR or the Board. See Appendix C (Organizational Chart).

(h) Relationship to the Office of Immigration Litigation (OIL). – The Office of Immigration Litigation (OIL) conducts civil trial and appellate litigation in the federal courts and represents the United States in civil suits brought against the federal government regarding the movement of citizens and aliens across U.S. borders. OIL is a separate and distinct component of the Department of Justice, located within the Civil Division, and should not be confused with EOIR or the Board. See Appendix C (Organizational Chart).

1.3 Composition of the Board

(a) General. – The Board consists of 15 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:

(i) 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:

- the need to settle inconsistencies among the rulings of different immigration judges
- the need to establish a precedent construing the meaning of laws, regulations, or procedures
- the need to review a decision by an Immigration Judge or DHS that is not in conformity with the law or with applicable precedents
- the need to resolve a case or controversy of major national import
- the need to review a clearly erroneous factual determination by an Immigration Judge
- the need to reverse the decision of an Immigration Judge or DHS in a final order, other than nondiscretionary dispositions.