

SUBCHAPTER B—IMMIGRATION REGULATIONS

PART 100—STATEMENT OF ORGANIZATION

Sec.

- 100.1 Introduction.
- 100.2 Organization and functions.
- 100.3 Places where, and methods whereby, information may be secured or submittals or requests made.
- 100.4 Field Offices.
- 100.5 Regulations.
- 100.6 Rule making.
- 100.7 OMB control numbers assigned to information collections.

AUTHORITY: 8 U.S.C. 1103; 8 CFR part 2.

SOURCE: 32 FR 9616, July 4, 1967, unless otherwise noted.

§100.1 Introduction.

The following sections describe the organization of the Immigration and Naturalization Service, including statements of delegations of final authority, indicate the established places at which, and methods whereby, the public may secure information, direct attention to the regulations relating to the general course and method by which its functions are channeled and determined, and to display OMB control numbers assigned to the information collection requirements of the Service. Part 103 of this chapter sets forth the procedures governing the availability of Service opinions, orders, and records.

[48 FR 37201, Aug. 17, 1983]

§100.2 Organization and functions.

(a) *Office of the Commissioner.* The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to administer and enforce the Immigration and Nationality Act and all other laws relating to immigration, naturalization, and nationality as prescribed and limited by 28 CFR 0.105.

(1) *Office of the General Counsel.* Headed by the General Counsel, the office provides legal advice to the Commissioner, the Deputy Commissioner, and staff; prepares legislative reports; assists in litigation; prepares briefs and

other legal memoranda when necessary; directs the activities of the regional counsel; oversees the professional activities of all Service attorneys assigned to field offices; and, makes recommendations on all personnel matters involving Service attorneys.

(2) *Office of Congressional Relations.* Headed by the Director of Congressional Relations, the office is responsible for establishing and maintaining effective liaison with the Congress, Department of Justice, and other agencies on such matters as bills, mark-ups, hearings, and Congressional inquiries.

(3) *Office of Public Affairs.* Headed by the Director of Public Affairs, the office is responsible for establishing and maintaining public affairs policy, serving as liaison with various constituent communities (intergovernmental, public, news organization, etc.) to communicate Service initiatives, such as naturalization and employer education, and producing public information products.

(4) *Office of Internal Audit.* Headed by the Director of Internal Audit, the office promotes economy, efficiency, and effectiveness within the Service by managing the Service's systems for resolving alleged mismanagement and misconduct by Service employees; reviewing and evaluating the efficiency and effectiveness of Service operations and programs; collecting and analyzing data to identify patterns of deficiencies or other weaknesses warranting investigative or audit follow-up; making recommendations on disciplinary policies and procedures of the Service; overseeing Service systems to eliminate fraud, waste, and abuse in the workplace; and acting as the Service's liaison with outside audit/inspection agencies. These duties are executed in coordination with other components of the Service and other Department of Justice components.

(b) *Office of the Deputy Commissioner.* Headed by the Deputy Commissioner, the office is authorized to exercise all

power and authority of the Commissioner unless any such power or authority is required by law to be exercised by the Commissioner personally. The Deputy Commissioner advises and assists the Commissioner in formulating and implementing Service policies and programs, and provides supervision and direction to all organizational units of the Service. The Deputy Commissioner also performs such other duties as may be assigned from time-to-time by the Commissioner. In addition, the Deputy Commissioner supervises the four Executive Associate Commissioners for Programs, Field Operations, Policy and Planning, and Management.

(c) *Office of the Executive Associate Commissioner for Programs*—(1) *General*.

(i) Headed by the Executive Associate Commissioner for Programs, the office is responsible for policy development and review as well as integration of the Service's enforcement and examinations programs. This office has primary responsibility for the planning, oversight, and advancement of programs engaged in interpretation of the immigration and nationality laws and the development of regulations to assist in activities, including:

(A) The granting of benefits and privileges to those qualified to receive them;

(B) Withholding of benefits from those ineligible;

(C) Control of the borders and prevention of illegal entry into the United States;

(D) Detection, apprehension, detention, and removal of illegal aliens; and

(E) Enforcement of employer sanctions and other provisions of immigration-related law.

(ii) In addition to overseeing enforcement and examination policy matters, the Office of Programs is also responsible for immigration records. The Executive Associate Commissioner for Programs promulgates policy, provides direction and supervises the activities of the Offices of Enforcement and Examinations.

(2) *Office of Enforcement*. Headed by the Associate Commissioner for Enforcement, the office is responsible for the planning, oversight, and advancement of enforcement programs engaged in interpretation of the immigration

and nationality laws, and the development of Service policies to assist enforcement activities. The Associate Commissioner for Enforcement directly supervises the Headquarters:

(i) Border Patrol Division;

(ii) Investigations Division;

(iii) Detention and Deportation Division;

(iv) Intelligence Division; and

(v) Asset Forfeiture Office.

(3) *Office of Examinations*. Headed by the Associate Commissioner for Examinations, the office is responsible for the planning, oversight, and advancement of examinations programs engaged in interpretation of the immigration and nationality laws, and the development of Service policies to assist examinations activities. The Office of Examinations is also responsible for all district and service center records and all records operations, except records policy. The Associate Commissioner for Examinations directly supervises the Headquarters:

(i) Adjudications and Nationality Division;

(ii) Inspections Division;

(iii) Service Center Operations Division;

(iv) Records Division; and

(v) Administrative Appeals Office.

(d) *Office of the Executive Associate Commissioner for Field Operations*—(1) *General*.

(i) Headed by the Executive Associate Commissioner for Field Operations, the office is responsible for implementing policies related to the Service's field operations. This office has primary responsibility for oversight and coordination of all field operations relating to the administration of immigration law, including:

(A) The granting of benefits and privileges to those qualified to receive them;

(B) Withholding of benefits from those ineligible;

(C) Control of the borders and prevention of illegal entry into the United States;

(D) Detection, apprehension, detention, and removal of illegal aliens;

(E) Enforcement of employer sanctions and other provisions of immigration-related law; and

(F) Refugee processing, adjudication of relative applications/petitions filed

by citizens and legal permanent residents, and overseas deterrence of alien smuggling and fraud activities.

(ii) The Executive Associate Commissioner for Field Operations provides direction to, and supervision of, the three Regional Directors (Eastern, Central, and Western), and the Director, International Affairs.

(2) *Offices of the Regional Directors.* (i) *General.* Headed by regional directors, these offices are responsible for directing all aspects of the Service's field operations within their assigned geographic areas of activity. The regional directors provide general guidance and supervision to:

(A) Service districts within their regions; and

(B) Border Patrol sectors within their regions.

(ii) *Service districts.* Headed by district directors, who may be assisted by deputy district directors, these offices are responsible for the administration and enforcement of the Act and all other laws relating to immigration and naturalization within their assigned geographic areas of activity, unless any such power and authority is either required to be exercised by higher authority or has been exclusively delegated to another immigration official or class of immigration officer. District directors are subject to the general supervision and direction of their respective regional director, except that district directors outside of the United States are subject to the general supervision and direction of the Director for International Affairs.

(iii) *Border Patrol Sectors.* Headed by chief patrol agents who may be assisted by deputy chief patrol agents, these offices are responsible for the enforcement of the Act and all other laws relating to immigration and naturalization within their assigned geographic areas of activity, unless any such power and authority is required to be exercised by higher authority or has been exclusively delegated to another immigration official or class of immigration officer. Chief patrol agents are subject to the general supervision and direction of their respective regional director.

(3) *Office of International Affairs.* Headed by a Director of International

Affairs, the office is responsible for ensuring that the foreign affairs mission of the Service reflects a full partnership between the Service, the Executive Branch agencies, and the Congress, the administration of U.S. immigration law on foreign soil, and the U.S. domestic asylum program. The Director for International Affairs provides general guidance and supervision to:

(i) Foreign districts;

(ii) Asylum Division; and

(iii) Refugee and Parole Division.

(e) *Office of the Executive Associate Commissioner for Policy and Planning.* Headed by the Executive Associate Commissioner for Policy and Planning, the office is responsible for directing and coordinating Servicewide policy and planning activities, and conducting analysis of these as well as other issues which cross program lines or have national implications.

(f) *Office of the Executive Associate Commissioner for Management—(1) General.* Headed by the Executive Associate Commissioner for Management, the office is responsible for planning, developing, directing, coordinating, and reporting on Service management programs and activities. The Executive Associate Commissioner for Management promulgates Servicewide administrative policies and coordinates all financial, human resource, administrative, and information resources management functions. The Executive Associate Commissioner for Management provides direction to, and supervision of, the:

(i) Office of Security;

(ii) Office of Equal Employment Opportunity;

(iii) Office of Human Resources and Administration;

(iv) Office of Finance;

(v) Office of Information Resources Management;

(vi) Office of Files and Forms Management; and

(vii) Administrative Centers.

(2) *Office of Security.* Headed by the Director of Security, the office is responsible for all security programs of the Service, including those related to personnel, physical, information and documents, automated data processing, telecommunications, and emergency preparedness planning.

(3) *Office of Equal Employment Opportunity.* Headed by the Director of Equal Employment Opportunity, the office is responsible for developing, planning, directing, managing, and coordinating equal employment opportunity programs and evaluating programs relating to the civil rights of all employees and applicants to ensure compliance with the law. This office also coordinates the affirmative employment and discrimination complaints programs of the Service and those of the Department of Justice as they apply to the Service.

(4) *Office of Human Resources and Administration.* Headed by the Associate Commissioner for Human Resources and Administration, the office is responsible for planning, developing, directing, managing, and coordinating the personnel, career development, contracting, facilities, and administrative support programs of the Service. The Associate Commissioner for Human Resources and Administration directly supervises the:

- (i) Human Resources and Development Division; and
- (ii) Administration Division.

(5) *Office of Finance.* Headed by the Associate Commissioner for Finance, the office is responsible for planning, developing, directing, managing, coordinating, and reporting on, the budget, accounting, and resource management programs of the Service. The Associate Commissioner for Finance directly supervises the:

- (i) Budget Division; and
- (ii) Financial Management Division.

(6) *Office of Information Resources Management.* Headed by the Associate Commissioner for Information Resources Management, the office is responsible for planning, developing, directing, managing, coordinating, and reporting on Service information management programs and activities including automated data processing, telecommunications, and radio communications. The Associate Commissioner for Information Resources Management directly supervises the:

- (i) Data Systems Division; and
- (ii) Systems Integration Division.

(7) *Office of Files and Forms Management.* Headed by the Director of Files and Forms Management, the office is

responsible for the administration of records policy, and correspondence files. The Director of Files and Forms Management directly supervises the:

- (i) National Records Center;
- (ii) National Forms Center;
- (iii) Systematic Alien Verification Entitlement (SAVE) Program; and
- (iv) Centralized Freedom of Information Act and Privacy Act (FOIA/PA) program.

(8) *Office of the Administrative Center.* Headed by directors, these offices are responsible for administrative servicing, monitoring, and liaison functions within their respective geographic boundaries. The directors direct and supervise regional staff who administer human resources, administrative, information systems, security, and financial functions.

[59 FR 60068, Nov. 22, 1994]

§ 100.3 Places where, and methods whereby, information may be secured or submittals or requests made.

Any person desiring information relative to a matter handled by the Immigration and Naturalization Service, or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with a district headquarters office or suboffice of the Service. If the office receiving the communication does not have jurisdiction to handle the matter, the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. When the submittal or request consists of a formal application for one of the documents, privileges, or other benefits provided for in the laws administered by the Service or the regulations implementing those laws, the instructions on the form as to preparation and place of submission should be followed. In such cases, the provisions of this chapter dealing with the particular type of application may be consulted for regulatory provisions.

§ 100.4 Field Offices.

The territory within which officials of the Immigration and Naturalization