

- 3.15 Contents of the order to show cause and notice to appear and notification of change of address.
- 3.16 Representation.
- 3.17 Appearances.
- 3.18 Scheduling of cases.
- 3.19 Custody/bond.
- 3.20 Change of venue.
- 3.21 Pre-hearing conferences and statement.
- 3.22 Interpreters.
- 3.23 Reopening or reconsideration before the Immigration Court.
- 3.24 Fees pertaining to matters within the jurisdiction of the Immigration Judge.
- 3.25 Form of the proceeding.
- 3.26 In absentia hearings.
- 3.27 Public access to hearings.
- 3.28 Recording equipment.
- 3.29 Continuances.
- 3.30 Additional charges in deportation or removal hearings.
- 3.31 Filing documents and applications.
- 3.32 Service and size of documents.
- 3.33 Translation of documents.
- 3.34 Testimony.
- 3.35 Depositions and subpoenas.
- 3.36 Record of proceeding.
- 3.37 Decisions.
- 3.38 Appeals.
- 3.39 Finality of decision.
- 3.40 Local operating procedures.
- 3.41 Evidence of criminal conviction.
- 3.42 Review of credible fear determination.
- 3.43 Motion to reopen for suspension of deportation and cancellation of removal pursuant to section 203(c) of the Nicaraguan Adjustment and Central American Relief Act (NACARA).

#### Subpart D [Reserved]

#### Subpart E—List of Free Legal Services Providers

- 3.61 List.
- 3.62 Qualifications.
- 3.63 Applications.
- 3.64 Approval and denial of applications.
- 3.65 Removal of an organization or attorney from list.

AUTHORITY: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2 Reorg. Plan No. 2 of 1950; 3 CFR, 1949–1953 Comp., p. 1002; section 203 of Pub. L. 105–100.

EDITORIAL NOTE: Nomenclature changes to part 3 appear at 52 FR 2941, Jan. 29, 1987.

### §3.0 Executive Office for Immigration Review.

(a) *Organization.* The Executive Office for Immigration Review shall be headed by a Director who shall be assisted by a Deputy Director. The Director shall be responsible for the general su-

per vision of the Board of Immigration Appeals and the Office of the Chief Immigration Judge in the execution of their duties in accordance with this part 3. The Director may redelegate the authority delegated to him by the Attorney General to the Deputy Director, the Chairman of the Board of Immigration Appeals, or the Chief Immigration Judge.

(b) *Citizenship Requirement for Employment.* (1) An application to work at the Executive Office for Immigration Review (EOIR or Agency), either as an employee or as a volunteer, must include a signed affirmation from the applicant that he or she is a citizen of the United States of America. Upon the Agency's request, the applicant must document United States citizenship.

(2) The Director of EOIR may, by explicit written determination and to the extent permitted by law, authorize the appointment of an alien to an Agency position when necessary to accomplish the work of EOIR.

[48 FR 8039, Feb. 25, 1983, as amended at 60 FR 29468, June 5, 1995; 63 FR 51519, Sept. 28, 1998]

## Subpart A—Board of Immigration Appeals

### §3.1 General authorities.

(a)(1) *Organization.* There shall be in the Department of Justice a Board of Immigration Appeals, subject to the general supervision of the Director, Executive Office for Immigration Review. The Board shall consist of a Chairman, a Vice Chairman, and thirteen other members. The Board Members shall exercise their independent judgment and discretion in the cases coming before the Board. A vacancy, or the absence or unavailability of a Board Member, shall not impair the right of the remaining members to exercise all the powers of the Board. The Director may in his discretion designate Immigration Judges, retired Board Members, retired Immigration Judges, and Administrative Law Judges employed within EOIR to act as temporary, additional Board Members for terms not to exceed six months. The Chairman may divide the Board into three-member panels and designate a Presiding Member of each panel. The Chairman may