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### **BIA Restructuring and Streamlining Procedures**

The Attorney General issued a final regulation on Aug. 23, 2002, that restructured the organization and procedures of the Board of Immigration Appeals (BIA or Board) to improve timeliness while continuing to ensure the quality of adjudications. The regulation was designed to address extensive backlogs and lengthy delays, which encouraged abuse of the system and delayed decisions to all aliens, a particular burden on those who merited relief from deportation. The new procedures enabled the BIA to reduce delays in the administrative review process, eliminate the existing backlog of cases, and focus more attention and resources on those cases presenting significant issues for resolution.

#### **Background**

The regulation expanded on the first streamlining procedures, which had been implemented in late 1999, and allowed the BIA to make greater use of single Board member adjudications. Under the new regulation, all cases are thoroughly reviewed by a BIA staff attorney and then reviewed and adjudicated by a single Board member unless they fall into one of six specified categories, which are handled by a panel of three Board members.

Each appeal or motion before the BIA – whether adjudicated by a single Board member or by three Board members – is handled on a case-by-case basis and is afforded the necessary time and consideration to ensure fairness. The quality of review remains standard. Consequently, depending on the intricacies of individual cases, single Board member decisions can be quite detailed, while three Board member decisions can be short and straightforward.

As in the 1999 streamlining procedures, the restructuring regulation calls for the use of “summary affirmances” – authorizing a single Board member to affirm the result of an immigration judge’s decision without writing an opinion. These orders also are referred to as “affirmances without opinion” (AWOs). The language in such orders is established by regulation and may not be changed. In Fiscal Year 2005, fewer than 20 percent of the BIA’s total decisions were AWOs.

Additionally, the new streamlining procedures replaced previous standards of BIA review, which included *de novo* review, with a “clearly erroneous” standard in questions of immigration judges’ factual findings. The new procedures retained BIA *de novo* review in questions of law or discretion.

More information regarding the regulation is available in a Department of Justice (DOJ) [news release](#) and [fact sheet](#).

#### **Implementation Results**