

# Immigration Information

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## 3.3 The Chain of Command.

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The chain of command for Adjudications personnel in field offices runs through the supervisory chain in each district, through the regional director to the executive associate commissioner for field operations in Headquarters. Within Headquarters, the Immigration Services Division, under the deputy executive associate commissioner for immigration services, is responsible for managing all immigration benefits-related activities. A detailed description of the Immigration Services Division is included in [chapter 3.6\(b\)](#).

## 3.4 Adherence to Policy.

(a) Distinction between Correspondence and Policy. Headquarters and regional components are responsible for issuing a large volume of written material to field offices, the general public, congressional office and members of the private immigration bar. The vast majority of this material is a response to a direct, specific inquiry or a “hypothetical” situation. Other material is prepared for implementing instructions to accompany a new program, policy or regulation. It is important to note that there is a distinction between “correspondence” and “policy” materials. Policy material is binding on all USCIS officers and must be adhered to unless and until it is rescinded or superseded by law, regulation or subsequent policy, either specifically or by application of more recent policy material. On the other hand, correspondence is advisory in nature, intended only to convey the author’s point of view. Such opinions should be given appropriate weight by the recipient as well as other employees who may encounter similar situations. However, such correspondence does not dictate a course of action which must be followed by subordinates within the chain of command. Examples of policy materials are:

- Statutes and regulations (e.g. INA and 8 CFR)
- Field and Administrative Manuals
- Handbooks and Operations Instructions (until superseded or withdrawn)
- Published precedent decisions (both interim decisions and those within published volumes, unless superseded by other decisions, regulation, or statutory changes.)
- Memoranda and cables from Headquarters specifically designated as policy (bearing the “P” suffix and a reference file number)

Examples of correspondence include:

- Letters from Headquarters to the public, members of congress and the private bar
- Letters from individual members of Congress to USCIS
- Memoranda not bearing the “P” designation (Routine memoranda to subordinates within the chain of command may nevertheless direct specific actions even though they do not constitute policy.)
- Other oral or written communications (such as e-mail or teleconference) from officials within the chain of command which are not conveyed in the form of a specific directive
- Training materials, etc.

- Unpublished decisions of the BIA or AAO
- Head notes of published precedent decisions
- Articles about USCIS programs appearing in the news media, legal and trade journals, etc.
- USCIS and DHS General Counsel opinions
- Legislative history (material from the Congressional Record such as the comments of individual members while legislation is under debate.)

(b) Binding Nature of Policy on Employees. All material which is designated as policy material is binding on employees of USCIS, unless or until it is specifically superseded by other policy material. There are no exceptions to this rule. To the extent that one policy document appears to be in conflict with another, the authority is controlling, but clarifications should always be sought in such a situation. For example, if a field manual appears to conflict with a regulation, the regulation must be followed. Non-policy materials are given due deference by USCIS employees, but they are not considered binding.

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