

helicopter pilot, deportation officer, detention enforcement officer, detention officer, investigator, special agent, investigative assistant, intelligence officer, intelligence agent, general attorney, applications adjudicator, contact representative, chief legalization officer, supervisory legalization officer, legalization adjudicator, legalization officer and legalization assistant, forensic document analyst, fingerprint specialist, immigration information officer, immigration agent (investigations), asylum officer, other officer or employee of the Department of Homeland Security or of the United States as designated by the Secretary of Homeland Security as provided in § 2.1 of this chapter, or senior or supervisory officer of such employee, is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act and this chapter.

#### **PART 239—INITIATION OF REMOVAL PROCEEDINGS**

9. The authority citation for part 239 is revised to read as follows:

**Authority:** 8 U.S.C. 1103, 1221, 1229; Homeland Security Act of 2002, Public Law 107-296; 8 CFR part 2.

10. Section 239.1 is amended by revising paragraph (a) to read as follows:

##### **§ 239.1 Notice to appear.**

(a) *Issuance of notice to appear.* Any immigration officer performing an inspection of an arriving alien at a port-of-entry may issue a notice to appear to such an alien. In addition, the following officers, or officers acting in such capacity, may issue a notice to appear:

- (1) District directors (except foreign);
- (2) Deputy district directors (except foreign);
- (3) Chief patrol agents;
- (4) Deputy chief patrol agents;
- (5) Service center directors;
- (6) Deputy service center directors;
- (7) Assistant service center directors for examinations;
- (8) Officers in charge (except foreign);
- (9) Assistant officers in charge (except foreign);
- (10) Supervisory special agents;
- (11) Supervisory deportation officers;
- (12) Supervisory detention and deportation officers;
- (13) Supervisory district adjudications officers;

- (14) Supervisory asylum officers;
- (15) Supervisory border patrol agents;
- (16) Directors of investigations;
- (17) District directors for interior enforcement;
- (18) Deputy or assistant district directors for interior enforcement;
- (19) Director of detention and removal;
- (20) Supervisory asylum officers;
- (21) Port directors;
- (22) Deputy port directors;
- (23) Directors of juvenile affairs;
- (24) Directors or officers in charge of detention facilities;
- (25) Directors of field operations;
- (26) Deputy or assistant directors of field operations; or
- (27) Other officers or employees of the Department of Homeland Security or of the United States who are delegated the authority to issue notices to appear as provided by § 2.1 of this chapter.

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Dated: February 28, 2003.

**Tom Ridge,**

*Secretary of Homeland Security.*

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