

Notice of Appeal to the Board of Immigration Appeals from a Decision of a USCIS Officer

WHERE TO FILE THIS APPEAL:

Do not file this directly with the Board of Immigration Appeals.

This notice of appeal must be filed with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) within 30 calendar days after service of the decision of the USCIS Officer. Please read the complete instructions on the back of this form.

In the Matter of (Name and "A" Number of the Beneficiary):

Fee Stamp (Official Use Only)

1. I hereby appeal to the Board of Immigration Appeals from the decision of the

_____ dated _____, in the
(Title of USCIS Officer) (Date of USCIS Decision)

above entitled case.

2. Specify reasons for this appeal and continue on separate sheets if necessary. Please refer to Instruction #2 for further guidance. *Warning: If the factual or legal basis for the appeal is not sufficiently described, the appeal may be summarily dismissed.*

3. Do you desire oral argument before the Board of Immigration Appeals? Yes No

4. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?
 Yes No

Date

Signature of Appellant (or Attorney or Representative)

(Print or Type Name)

Address (Number, Street)

Address (City, State, Zip Code)

INSTRUCTIONS

1. **Filing.** You must file this Notice of Appeal with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS). If the decision was handed to you by a USCIS Officer, you must file this Notice of Appeal within 30 calendar days. If the decision was mailed to you by the USCIS, this Notice of Appeal must be received within 30 calendar days from the date the decision was mailed to you. Follow the instructions included with the USCIS decision. *Do not send this Notice of Appeal directly to the Board of Immigration Appeals (Board).*

If you are appealing a decision by a USCIS officer denying a visa petition (I-130 application), please note the following: List the name and “A” number of the **beneficiary** at the top of Form EOIR-29. The beneficiary is not allowed to sign Form EOIR-29. Only the **petitioner** is allowed to sign Form EOIR-29.

2. **Review.** Most appeals are reviewed by a single Board Member. If you assert that your appeal warrants review by a three-Board Member panel, you may identify the specific factual or legal basis for your contention.

Cases will be reviewed by a three-member panel only if the case presents one of these circumstances:

- The need to establish a precedent construing the meaning of laws, regulations, or procedures;
- The need to review a decision by the USCIS that is not in conformity with the law or with applicable precedents;
- The need to resolve a case or controversy of major national import;
- The need to reverse the decision of the USCIS, other than a reversal under 8 C.F.R § 1003.1(e)(5).

3. **Fees.** A fee of one hundred and ten U.S. dollars (\$110.00) must be paid for filing this appeal. It cannot be refunded regardless of the action taken on the appeal. **All fees must be submitted in the exact amount. Do not mail cash.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If appellant resides in Guam, the check or money order must be payable to the “Treasurer of Guam.” If appellant resides in the Virgin Islands, the check or money order must be payable to the “Commissioner of Finance of the Virgin Islands.” All other appellants must make the check or money order payable to the “Department of Homeland Security.” When a check is drawn on the account of a person other than the appellant, the name of the appellant must be entered on the face of the check. If the appeal is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the “Department of Homeland Security” in United States currency. Personal checks are accepted subject to collectibility. An uncollectible check will render the appeal invalid.

4. **Counsel.** An appellant may be represented, at no expense to the Government, by an attorney or other duly authorized representative. Only the petitioner may appeal the denial of a visa petition by USCIS. An attorney or authorized representative must file a separate notice of appearance on behalf of the petitioner (Form EOIR-27) with this Notice of Appeal. In presenting and prosecuting this appeal, the USCIS may be represented by appropriate counsel.
5. **Briefs.** When a brief is filed, it shall be submitted to the USCIS office having administrative control over the Record of Proceedings in this matter within the time designated by the USCIS. A copy shall be served on the opposing party. The USCIS, or the Board, for good cause, may extend the time of filing a brief or reply brief. The Board, in its discretion, may authorize the filing of briefs directly with the Board. Reply briefs are allowed by leave of the Board.
6. **Oral Argument.** The Board will consider every case on the record submitted, whether or not oral representations are made. Oral argument may be requested. If approved, you will be notified.
7. **Summary Dismissal of Appeal.** The Board may summarily dismiss any appeal or portion of any appeal in which: (1) The appellant fails to specify the reasons for the appeal; (2) The only reason specified by the appellant for his/her appeal involves a finding of fact or conclusion of law which was conceded by him/her at a prior proceeding; (3) The appeal is from an order that granted the appellant the relief that had been requested; (4) The appeal is filed for an improper purpose, such as unnecessary delay, or lacks an arguable basis in fact or law, unless the Board determines that it is supported by a good faith argument for extension, modification, or reversal of existing law; (5) The appellant indicates on Form EOIR-29 that he/she will file a separate brief or statement in support of the appeal and, thereafter, does not file such brief or statement, or reasonably explain his/her failure to do so, within the time set for filing; (6) The appeal does not fall within the Board’s jurisdiction; (7) The appeal is untimely or barred by an affirmative waiver of the right to appeal that is clear on the record; or (8) The appeal fails to meet essential statutory or regulatory requirements or is expressly excluded by statute or regulation.

For further guidance please see the Board of Immigration Appeals *Practice Manual and Questions and Answers*, which are available on the EOIR website at www.usdoj.gov/eoir.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is thirty (30) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.