



## Instructions for Notice of Appeal or Motion

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-290B  
OMB No. 1615-0095  
Expires 01/31/2017

### What Is the Purpose of Form I-290B?

Form I-290B, Notice of Appeal or Motion, is used to file an appeal or motion to reopen or reconsider certain decisions under the immigration laws.

### When Should I Use Form I-290B?

Visit the U.S. Citizenship and Immigration Services (USCIS) [website](http://www.uscis.gov/i-290b) at [www.uscis.gov/i-290b](http://www.uscis.gov/i-290b) to view appeal and motion eligibility by form type.

For most appeals and motions, Form I-290B must be filed within 30 calendar days after personal service of the decision, 33 calendar days if the decision was mailed. An appeal relating to a revocation of an immigrant petition must be filed within 15 calendar days after personal service of the decision, 18 calendar days if the decision was mailed. The date of service is normally the date of the decision.

Late filed appeals that do not meet the requirements for a motion to reopen or reconsider will be rejected. Late filed motions may be dismissed, however, a late filed motion to reopen may be excused in the discretion of USCIS where it is demonstrated that the delay was reasonable and beyond the applicant's or petitioner's control.

#### Form I-290B may be used in the following circumstances:

1. To file an appeal with the Administrative Appeals Office (AAO); or
2. To file a motion to reconsider and/or a motion to reopen with the AAO, a field office, or a service center.

### Who May Not File Form I-290B?

1. Per **Department of Homeland Security (DHS)** regulations, the **beneficiary** of a visa petition that is denied or revoked by USCIS **MAY NOT** file an appeal or a motion of that visa petition. Only an applicant or petitioner may file an appeal or motion. Similarly, an attorney or Board of Immigration Appeals (BIA)-accredited representative **MAY NOT** file an appeal or motion on the behalf of a **beneficiary**.
2. A petitioner whose Form I-130, **Petition for Alien Relative**, or Form I-360, **Petition for Widow(er)**, was denied or was revoked by USCIS **MAY NOT** use Form I-290B to file an appeal with the BIA. Instead, the petitioner or the petitioner's attorney or BIA-accredited representative must file Form EOIR-29, **Notice of Appeal to the Board of Immigration Appeals from a Decision of an Immigration Officer**, in accordance with the instructions included in the denial or notice of revocation.

For filing instructions of Form EOIR-29, visit the USCIS [website](http://www.uscis.gov/eoir-29) at [www.uscis.gov/eoir-29](http://www.uscis.gov/eoir-29) or the Department of Justice [website](http://www.justice.gov/eoir/eoirforms/eoir29.pdf) at [www.justice.gov/eoir/eoirforms/eoir29.pdf](http://www.justice.gov/eoir/eoirforms/eoir29.pdf).

3. Do not use this form to appeal a Department of State overseas consular officer's denial of your visa application (for example, Form DS-160, DS-156, DS-156E, DS-156K, DS-117, DS-157, DS-230, or DS-260). For information about visa application denials, please reference the Department of State [website](http://www.state.gov).
4. Do not use this form to file an appeal on a Special Agricultural Worker (SAW) or Legalization Application. Appeals on these case types must be filed on Form I-694, Notice of Appeal of Decision Under Sections 245A or 210 of the Immigration and Nationality Act.

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## General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**. If you are filing this form electronically, you must follow the instructions provided on the USCIS website at [www.uscis.gov/file-online](http://www.uscis.gov/file-online).

**Signature.** Each form must be properly signed and filed. For all signatures on this form, USCIS will not accept a stamped or typewritten name in place of a signature. If you are filing this form electronically, when authorized, USCIS will accept your signature in an electronic format. If you are under 14 years of age, your parent or legal guardian may sign the form on your behalf. A legal guardian may also sign for a mentally incompetent person.

**Filing Fee.** Each form must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** and/or **What Evidence Must You Submit** sections of these Instructions. If you are electronically filing this form, you must follow the instructions provided on the USCIS online filing website, at [www.uscis.gov/file-online](http://www.uscis.gov/file-online).

**Biometric Services Appointment.** USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your appeal or motion. After USCIS receives your request and ensures it is complete, we will inform you in writing or by email notice if you e-file your form, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the form, and
2. You reviewed and understood all of the information contained in, and submitted with, your form, and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may dismiss or deny your appeal or motion.

**Copies.** You should submit legible **photocopies** of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**NOTE:** If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification should also include the date, the translator's signature and printed name, and may contain the translator's contact information.

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## How to Fill Out Form I-290B

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this form, use the space provided in **Part 7. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

### Specific Instructions

Form I-290B is divided into **Parts 1.** through **7.** The following information should help you fill out the form.

#### Part 1. Information About the Applicant or Petitioner

**Item Numbers 1.a. - 1.c. Full Name.** Provide the full legal name of the applicant or petitioner. If the applicant or petitioner has two last names, include both and use a hyphen (-) between the names, if appropriate.

**Item Number 2. Complete Name of Business/Organization (if applicable).** Provide the complete name of the business or organization, without abbreviations, if applicable.

**Item Number 3. Alien Registration Number (A-Number, if applicable).** This is the USCIS (or former Immigration and Naturalization Service (INS)) file number. It begins with an "A" and can be found on a Permanent Resident Card or on correspondence that has been received from the Department of Homeland Security (DHS) or USCIS. If the person does not have an A-Number, leave this blank.

**Item Number 4. Receipt Number.** Provide the form receipt number for the application or petition that was denied by USCIS.

**Item Number 5. USCIS Online Account Number (if any).** If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

**Item Numbers 6.a. - 6.i. Mailing Address.** Provide the applicant's or petitioner's complete mailing address (including military APO/FPO address, if applicable).

#### Part 2. Information About the Appeal or Motion

**Item Numbers 1.a. - 1.f. Appeal or Motion Request (Select only one box).** Select a single box from **Item Numbers 1.a. - 1.f.** Do not select more than one box or make any changes to the form.

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You must clearly indicate if you are filing an appeal or a motion. The adverse decision will indicate whether you may file an appeal or a motion. Although the adverse decision may indicate that you can file an appeal and a motion, you can only file one or the other using a single Form I-290B. The requirements for motions to reopen and motions to reconsider are located at 8 CFR 103.5. If you file an appeal, the reviewing office will either take favorable action or forward the appeal to the AAO. See 8 CFR 103.3. The reviewing office is the USCIS office that denied the application or petition.

**NOTE:** An adverse decision from the AAO may not be further **appealed** to the AAO. However, you may file a motion to reopen and/or reconsider an AAO decision with the AAO.

**Item Number 2. USCIS Form for Which You Are Filing an Appeal or Motion to Reopen/Reconsider.** Provide the form number for the denied application or petition (for example, Form I-140, Form I-360, Form I-129, Form I-485, Form I-601.) If you use the dropdown menu and the form number is not listed, select “other” in the dropdown menu.

**Item Number 3. Specific Classification Requested.** Provide the specific classification requested (for example, H-1B, R-1, O-1, EB-1, EB-2, EB-3, if applicable.) If you use the dropdown menu and the status is not listed, select “other” in the dropdown menu.

**Item Number 4. Date of Adverse Decision.** Provide the date of the decision that is the basis for your appeal or motion, in mm/dd/yyyy format.

**Item Number 5. Office Where Last Decision Was Issued.** Provide the name of the DHS office that denied or revoked the application or petition. If you are filing a motion on an adverse AAO decision, the correct office is “Administrative Appeals Office (AAO).” If you are using the dropdown menu and the office name is not listed, select “Other” in the dropdown menu.

### Part 3. Basis for Appeal or Motion

Type or print the basis for the appeal or motion in **Part 7. Additional Information** or on a separate sheet of paper. You must provide your name and A-Number (if any) on the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

**Appeal:** Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

**Motion to Reopen:** The motion must state new facts and must be supported by affidavits and/or documentary evidence demonstrating eligibility at the time the underlying application or petition was filed.

**Motion to Reconsider:** The motion must be supported by citations to appropriate statutes, regulations, or precedent decisions when filed and must establish that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence of record at the time of decision.

### Part 4. Applicant’s or Petitioner’s Statement, Contact Information, Certification, and Signature

Complete **Section A** if you are filing an appeal or motion based on an application or petition filed by an individual. Complete **Section B** if you are filing an appeal or motion based on an application or petition filed by an entity such as a company or business.

**Item Numbers 1.a. - 6.b.** Select the appropriate box to indicate whether you read this form yourself or whether you had an interpreter assist you. If someone assisted you in completing the form, select the box indicating that you used a preparer. Further, you must sign and date your form and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every form **MUST** contain the signature of the applicant or petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

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## Part 5. Interpreter's Contact Information, Certification, and Signature

**Item Numbers 1.a. - 7.b.** If you used anyone as an interpreter to read the Instructions and questions on this form to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the form.

## Part 6. Contact Information, Declaration, and Signature of the Person Preparing This Form, if Other Than the Applicant or Petitioner

**Item Numbers 1.a. - 7.b.** This section must contain the signature of the person who completed your form, if other than you, the applicant or petitioner. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 5.** and **Part 6.** If the person who completed this form is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this form **MUST** sign and date the form. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your form is an attorney or accredited representative whose representation extends beyond preparation of this form, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative along with your form.

## Part 7. Additional Information

**Item Numbers 1.a. - 7.d.** If you need extra space to provide any additional information within this form, use the space provided in **Part 7. Additional Information.** If you need more space than what is provided in **Part 7.**, you may make copies of **Part 7.** to complete and file with your form, or attach a separate sheet of paper. Type or print your name and A-Number or USCIS Online Account Number (if any) at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers, and sign and date each sheet.

**We recommend that you print or save a copy of your completed form to review in the future  
and for your records.**

## What Evidence Must You Submit?

You must submit all evidence requested in these Instructions with your form. If you fail to submit required evidence, USCIS may dismiss or deny your appeal or motion for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

### Evidence

#### Motion:

1. If you file a motion to reopen, the motion must be accompanied by new facts and/or documentary evidence that establish eligibility at the time of filing the initial application or petition.
2. If you file a motion to reconsider, you must provide the citations to the statute, regulation, or precedent decisions that **serve** as the basis for your motion to reconsider. The motion must establish that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence of record at the time of the decision.



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## Appeals:

### 1. Brief

You do not need to submit a brief in support of your appeal. If you do submit a brief and/or additional evidence, you may submit these materials at the time of initial filing of Form I-290B or within 30 days of filing.

Any brief and/or additional evidence submitted after the initial filing of Form I-290B must be submitted directly to the AAO. The AAO's mailing address is available at [www.uscis.gov/aa0](http://www.uscis.gov/aa0). **DO NOT FILE FORM I-290B DIRECTLY WITH THE AAO.**

Any brief and additional evidence must specifically reference the appeal for which it is being submitted. If an affected party has filed multiple appeals with the AAO, separate copies of the brief and evidence must be provided for each individual appeal. Failure to do so may result in the return of the brief or evidence to the individual or entity that submitted it and preclude such material from consideration.

If you need more than 30 calendar days to submit a brief, you must make a written request to the AAO within 30 calendar days of filing the appeal. The AAO may grant more time to submit a brief for good cause.

### 2. Oral Argument

You may request an oral argument before the AAO in Washington, D.C. in a letter attached to Form I-290B. The letter must explain specifically why an oral argument is necessary (for example, why your argument cannot be adequately addressed in writing.) If your request is granted, the AAO will contact you about setting the date and time. The U.S. Government does not provide interpreters for oral arguments.

## What Is the Filing Fee?

The filing fee for Form I-290B is **\$675**.

**NOTE:** The filing fee is not refundable, regardless of any action USCIS takes on this form. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

**Use the following guidelines when you prepare your check or money order for the Form I-290B fee:**

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the check or money order payable to **U.S. Department of Homeland Security**.

**NOTE:** Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.

**Notice to Those Making Payment by Check.** If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your form and charge you a returned check fee.

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## How to Check If the Fees Are Correct

Form I-290B's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit the USCIS website at [www.uscis.gov](http://www.uscis.gov), select "FORMS" and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**NOTE:** The fee will be the same when either an appeal or motion is filed from the denial of an application or petition with one or multiple beneficiaries, provided that they are all covered by the same application or petition, and therefore, the same decision.

## Fee Waiver

The fee for Form I-290B may be waived under 8 CFR 103.7(c) if the applicant or petitioner can show an inability to pay and:

1. The appeal or motion is from a denial of an immigration benefit request where the applicant or petitioner was not required to pay a fee; or
2. The fee for the underlying application or petition could have been waived.

If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request) and submit it and any required evidence of your inability to pay the filing fee with this form. You can review the fee waiver guidance at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver).

No fee is required when Form I-290B is filed to appeal a denial of a petition for a special immigrant visa by a Special Immigrant Iraqi or Afghan national who worked for or on behalf of the U.S. Government in Iraq or Afghanistan.

## Where to File?

File the appeal or motion as indicated on the USCIS Web page Direct Filing Addresses for Form I-290B, Notice of Appeal or Motion, at [www.uscis.gov/i-290b-addresses](http://www.uscis.gov/i-290b-addresses).

Form I-290B is not considered received by USCIS unless and until it is filed at the proper location.

If you are filing a motion to reopen/reconsider an AAO decision, file the motion with the address as indicated on the chart located at [www.uscis.gov/i-290b-addresses](http://www.uscis.gov/i-290b-addresses).

## DO NOT FILE FORM I-290B DIRECTLY WITH THE AAO.

Your form will be rejected if you improperly file it.

Please see our website at [www.uscis.gov/I-290B](http://www.uscis.gov/I-290B) or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this form. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

## Address Change

An applicant or petitioner who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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**NOTE:** Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests. If you have an online account, you may also change your address in the USCIS online filing system by logging into your user account and updating your Account Profile.

If you change your address while your **appeal** is pending, you should also send a written notice of your change of address to the AAO to ensure that you receive the decision. Include the type of case that was denied and any available tracking number (receipt number and/or A-Number). The AAO's mailing address is available at [www.uscis.gov/ao](http://www.uscis.gov/ao) or by calling the USCIS National Customer Service Center at the number below.

If you change your address after you file a **motion**, the address where you should send your notice depends on where your motion is pending. If your motion has been forwarded to the AAO, send a written notice of your change of address to the AAO. If your motion has remained with the office where you submitted it, send the notice to that office. Include the type of case that was denied and any available tracking number (receipt number and/or A-Number).

To find out where your case is currently located, call the USCIS National Customer Service Center number at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

To find out the status of your case, visit the USCIS website at: <https://egov.uscis.gov/cris/Dashboard/CaseStatus.do>.

### Processing Information

**Initial Processing.** Once USCIS accepts your form we will check it for completeness. If you do not completely fill out this form, you will not establish a basis for your eligibility and USCIS may reject, dismiss, or deny your appeal or motion.

**Requests for More Information.** We may request that you provide more information or evidence to support your appeal or motion. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**Decision.** The decision on Form I-290B involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing or, for forms filed electronically, through an electronic notice.

### USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS website at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling the Forms Request Line at 1-800-870-3676. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at [www.uscis.gov](http://www.uscis.gov). Select "Schedule an appointment online" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

### Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-290B, we will deny your motion or dismiss your appeal, and may deny (or revoke the approval of) any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.



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## USCIS Privacy Act Statement

**AUTHORITIES:** The information and evidence requested on this form is collected under section 103 of the Immigration and Nationality Act, as amended, and 8 CFR sections 103.3 and 103.5.

**PURPOSE:** The primary purpose for providing the requested information on this form is to enable you to file an appeal or motion to reopen or motion to reconsider certain decisions by USCIS or a bond breach determination issued by U.S. Immigration and Customs Enforcement. USCIS will use the information you provide on this form to adjudicate your appeal or motion.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in dismissal of your appeal or denial of your motion.

**ROUTINE USES:** DHS may share the information you provide on this form with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records forms [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records, and DHS/USCIS-015 Electronic Immigration System - 2 Account and Case Management System of Records] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

## Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 90 minutes per response in paper format, and 1 hour and 30 minutes when submitted electronically, including the time for reviewing, gathering the required documentation and information, completing the form, preparing statements, attaching necessary documentation, and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0095. **Do not mail your completed Form I-290B to this address.**