

Request for Non-Substantive Change of an Approved Information Collection
Notice of Appeal from a Decision of an Immigration Judge
Form EOIR-26 (OMB 1125-0002)
Narrative of Changes

A party (either the U.S. Immigration and Customs Enforcement (ICE) of the Department of Homeland Security or the respondent/applicant) affected by a decision of an Immigration Judge may appeal that decision to the Board of Immigration Appeals (Board), provided the Board has jurisdiction pursuant to 8 C.F.R. 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR-26 and submitting it to the Board. The form requests information, such as name, alien identification number, mailing addresses for respondent/applicant and attorney or representative, and basis of appeal, necessary for the Board to process the appeal of the decision of the Immigration Judge. The Executive Office for Immigration Review (EOIR) seeks to make the following non-substantive changes to the form and the form's instructions.

In addition to accepting payment by check and money order, the Board intends to add electronic payment through Pay.gov as an additional payment method for the payment of fees for the EOIR-26. Pay.gov is maintained by the Treasury Department, which requires notice to the public. As such, the Board intends to post a notice of this change at the filing window and on the Board's website, in addition to making changes to its Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge. EOIR has integrated with Pay.gov, and has developed a portal to Pay.gov on the EOIR website that will be available at <https://ePay.eoir.justice.gov>. Applicants will enter the alien registration number associated with the appeal and the appeal type on EOIR's portal page before being redirected to the Pay.gov website to complete payment. The alien registration number and appeal type will be displayed on the receipt for printing after payment is complete; the information entered on the portal will not be stored or otherwise retained by EOIR. Applicants

who elect to pay for their appeal using Pay.gov will need to print a copy of the payment receipt and attach the receipt to their appeal at the time of filing. Modifications to the Form EOIR-26 have been made to reflect this payment option, including the web address for the portal, and the requirements to include a copy of the payment receipt with the appeal at the time of filing.

EOIR has also added a line for the filer to print their name. The form currently only asks that the filer sign the form. However, since the filer can be someone other than the respondent/applicant, such as an attorney with the Department of Homeland Security or the alien's representative, and signatures tend to be illegible, EOIR needs to have the filer also print their name, in addition to signing the form.