

Narrative of Changes for Non-Substantive Change Request for 1125-0001

On December 13, 2021, EOIR published the final rule, Executive Office for Immigration Review Electronic Case Access and Filing, with an effective date of February 11, 2022. See 86 Fed. Reg. 70708 (Dec. 13, 2022). The regulation requires attorney and accredited representatives to electronically with EOIR file all correspondence in cases where they are the representative of record. EOIR's the electronic filing system (ECAS) will simultaneously serve the opposing party, the Department of Homeland Security (DHS), thereby not requiring the private practitioner to separately serve DHS. Now, individuals who file through ECAS do not need to complete the proof of service. Rather, they simply have to check the box. In order to reflect that service is accomplished automatically through the electronic filing system at the time the document is uploaded to the system, EOIR has added a checkbox and text below to the proof of service section on the form, and clarifying language in the instructions as follows:

Proof of Service Section of Forms

No service needed. I electronically filed this document, and the opposing party is participating in ECAS.

Instructions

III. How to Apply:

You must also serve a copy of your application on the Assistant Chief Counsel for the DHS, U.S. Immigration and Customs Enforcement (ICE) as required in the proof of service on page 8 of this application, **if applicable**, and you must file your application with the appropriate Immigration Court. Please read the following instructions carefully before completing your application.

8. Serving & Filing Your Application

Note: Electronic filers are not required to serve the opposing party if the opposing party is participating in ECAS. EOIR's ECAS system will provide an electronic service notification to participating parties.

a completed certificate showing service of these documents (See Part 10 of the Application on page 8) on the ICE Assistant Chief Counsel **or affirmation that the documents were electronically filed through ECAS**, unless service is made on the record at the hearing.

This change alleviates the burden of completing the proof of service and serving the opposing party in immigration court proceedings before the Immigration Courts and the Board of Immigration Appeals, saving time and money spent perfecting service.