

## Narrative of Changes for Non-Substantive Change Request for 1125-0002

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 Form

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

### Instructions

#### Where to Appeal:

"**Note:** DHS, attorneys, and accredited representatives must electronically file their appeal through ECAS, available at <https://www.justice.gov/eoir/ECAS>."

#### How to Appeal:

Complete and, **if applicable**, sign the "Proof of Service" to show you did this (item # 12). Note: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of the U.S. Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS).

Mail or give a copy of the completed Notice of Appeal and any attached documents to the opposing party, **if applicable**. **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.**

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.