

**Notice of Motion to Reconsider / Reopen a Decision by the  
Board of Immigration Appeals from an Initial Decision of a  
DHS Officer**

**WHERE TO FILE THIS NOTICE:**

**Do not file this directly with the Board of Immigration Appeals (Board or BIA).**

This Notice of Motion must be filed with the Department of Homeland Security (DHS). Be sure to read the complete instructions on the back of this form.

**Part 1. Information About the Beneficiary, Petitioner, Self-Petitioner, Applicant, or Carrier.**

- 1.a. IN VISA PETITION PROCEEDINGS OR IN VISA PETITION REVOCATION PROCEEDINGS before the Board pertaining to an initial Decision of a DHS Officer that has been adjudicated by the Board, complete the following:

Name of Beneficiary: \_\_\_\_\_

A-Number of Beneficiary: \_\_\_\_\_

Name of Petitioner: \_\_\_\_\_

Form I-130 or I-360 Widow(er) Receipt Number: \_\_\_\_\_

EOIR-29 Receipt Number: \_\_\_\_\_

- 1.b. IN ADVANCE PERMISSION TO ENTER AS A NONIMMIGRANT PROCEEDINGS OR IN BOND PROCEEDINGS before the Board pertaining to a matter initially adjudicated by a DHS Officer, complete the following:

Name of Applicant: \_\_\_\_\_

A-Number Applicant: \_\_\_\_\_

- 1.c. IN FINE PROCEEDINGS before the Board pertaining to a matter initially adjudicated by a DHS Officer, complete the following:

Name of Carrier or Individual: \_\_\_\_\_

Fine Number: \_\_\_\_\_

**Fee Stamp (Official Use Only)**

**Part 2. Date of the Board's Decision that you are asking the Board to Reconsider or Reopen: \_\_\_\_\_**

**Part 3. Information About your Motion.** Mark one box below. For further information, see SPECIFIC INSTRUCTIONS.

3.a.  I am filing a motion to reconsider. 8 C.F.R. § 1003.2(b).

3.b.  I am filing a motion to reopen. 8 C.F.R. §1003.2(c).

3.c.  I am filing a motion to reconsider and motion to reopen.

**! WARNING !** You must attach your written motion (i.e., arguments with regard to this motion) and any supporting documents when submitting this form. In the attached written motion and any accompanying brief, you must clearly explain to the Board why you are filing a motion to reconsider and/or motion to reopen. 8 C.F.R. § 1003.2. The Board may deny your motion if it cannot tell from your written arguments or any statements attached to this form, why you are filing this motion. For more information on motion requirements, read the Instructions for the Form EOIR-29A.

**Part 4. Signature of Petitioner/Self-Petitioner/Applicant/Carrier** (or Attorney or Representative who has filed a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27)) **and address information, including safe address for Petitioner/Self-Petitioner/Applicant.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Appellant/Petitioner/Carrier (or Attorney/Representative)

\_\_\_\_\_  
(Print or Type Name)

Petitioner/Self-Petitioner/Appellant/Carrier's Mailing Address  
In Care of Name (if any)

\_\_\_\_\_

\_\_\_\_\_  
Street Number and Name

\_\_\_\_\_  
Apartment Number or Unit Number (if any)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

**(Please read carefully before completing and filing Form EOIR-29A. Filing fee will not be returned.)**

## GENERAL INSTRUCTIONS

- 1. Purpose.** Form EOIR-29A, Notice of Motion to the Board of Immigration Appeals Pertaining to a Matter Initially Adjudicated by a DHS Officer, is used to notify the Board of Immigration Appeals (BIA or Board) that a party is filing a motion to reconsider, a motion to reopen, or a motion to reconsider and reopen a decision by the Board in a case which was initially adjudicated by a DHS Officer. 8 C.F.R. §§ 1003.2(b), 1003.2(c)(1).
- 2. Do not use this form to file:**
  - A motion to reconsider and/or reopen a Board decision in a case that originated in the Immigration Court and was considered by an Immigration Judge.
  - A motion with the U.S. Citizenship and Immigration Services (USCIS) office that issued the latest decision in your case (including a field office, service center, or the Administrative Appeals Office).
  - A motion to remand a case that is pending before the Board.
  - An appeal from a Decision of a DHS Officer that has not been adjudicated by the Board. Please refer to the decision of the DHS Officer for specific instructions for which appeal form to use and where to file.
- 3. Individuals who May File Form EOIR-29A.**
  - Petitioner, self-petitioner, or an attorney or accredited representative of the petitioner or self-petitioner in a visa petition or visa petition revocation initial Decision of a DHS Officer that has been adjudicated by the Board. A self-petitioner includes certain relatives of deceased United States citizens.
  - Applicant or the attorney or accredited representative of the applicant of the request for advance permission to enter as a nonimmigrant under section 212(d)(3)(A)(ii) of the Immigration and Nationality Act that was initially adjudicated by a DHS Officer and reviewed by the Board.
  - Applicant or the attorney or accredited representative of the applicant in bond proceedings initially adjudicated by a DHS Officer and reviewed by the Board.

If you are the beneficiary in a Form I-130 or Form I-130 Widow(er) visa petition proceedings or revocation proceedings before the Board, you may not file a motion to reconsider and/or motion to reopen unless you are a Form I-360 Widow(er) self-petitioner (certain relatives of deceased United States citizens) or their attorney or accredited representative. If you are an attorney or accredited representative of a beneficiary, you should not file a motion to reopen and/or reconsider on behalf of the beneficiary unless you are representing a self-petitioner.
- 4. Other documents filed with the Form EOIR-29A.** You must attach to the completed Form EOIR-29A a separate motion or statement which contains all pertinent information and arguments in support of your motion to reconsider, motion to reopen, or motion to reconsider and motion to reopen. If you choose to submit a brief, it should be filed in conjunction with your motion as well as any supporting documents. 8 C.F.R. § 1003.2(g)(3). If a Form EOIR-29A is filed without a separate motion, or brief, or supporting documents, the Board may deny your motion. If you are represented by an attorney or accredited representative, please see General Instruction 5 for information about additional documentation that must be filed with your motion.
- 5. Representation.** If a petitioner, self-petitioner, applicant, or carrier is represented by an attorney or accredited representative, a separate properly completed Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27) must accompany the Form EOIR-29A in order to be recognized by the Board as the practitioner of record. 8 C.F.R. § 1003.2(g)(1). An attorney or accredited representative must file a Form EOIR-27 with the Form EOIR-29A even if the practitioner is already the practitioner of record in the proceeding before the BIA.

Until the BIA confirms through issuance of a notice to the parties that it has received the record from DHS, attorneys or accredited representatives must submit the Form EOIR-27 directly with DHS and should not submit a Form EOIR-27 with the BIA. Any Form EOIR-27 received prior to the BIA receiving the record from DHS will not be recognized and will not be forwarded to DHS for inclusion in the record. Note that the Form

EOIR-27 is not used to appear before DHS (Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28)) and that the BIA will not recognize a practitioner using Form G-28.

Attorneys and accredited representatives are not permitted to make limited appearances for document assistance through the filing of a Notice of Limited Appearance (Form EOIR-60) in cases before the BIA arising from a DHS Officer decision, such as those related to a visa petition, waivers of inadmissibility for nonimmigrants under § 212(d)(3)(A)(ii) of the Immigration and Nationality Act, or fines.

6. **Language.** Form EOIR-29A must be completed in the English language. Your motion and any other documentation filed along with the motion must also either be in the English language or be accompanied by an English translation and a certification signed by the translator, printed, or typed, in accordance with the regulations. 8 C.F.R. § 1003.2(g)(1).
7. **Signatures.** Form EOIR-29A must be properly signed and filed. The Board accepts handwritten ink, encrypted digital, or electronic signatures, subject to any form or application requirements. Reproductions of signatures are acceptable when contained in a photocopy of an original as long as the original is available to the Board upon request. As a reminder, no motion, brief, or request for Board action is properly filed without signature of the individual who drafted or prepared the document.

A signature represents a certification by the signer that: the signer has read the document; to the best of the signer's knowledge, information, and belief formed after reasonable inquiry; the document is grounded in fact; the document is submitted in good faith; and the document has not been filed for any improper purpose. 8 C.F.R. § 1003.102(j)(1). A signature represents the signer's authorization, attestation, and accountability.

8. **Where to file.** The Form EOIR-29A, written motion, and any supporting documents or brief must be filed with the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), or U.S. Customs and Border Protection (CBP). The Form EOIR-29A and accompanying motion to reconsider and/or reopen should, not be directly filed with the Board. 8 C.F.R. § 1003.2(g)(2)(ii).

The Form EOIR-29A, motion (reconsider, reopen, or reconsider and reopen) and any supporting documents or brief must be submitted together when filed with DHS. If a Form EOIR-29A is filed without a motion to reconsider and/or motion to reopen, the Board may deny the motion.

9. **Fees.** A fee of one hundred and ten U.S. dollars (\$110.00) must be paid for a motion to reconsider, motion to reopen, or a motion to reconsider and motion to reopen. There is no additional fee for a combined motion to reopen and motion to reconsider. The fee cannot be refunded regardless of the actions taken on the motion. **All fees must be submitted in the exact amount. Do not mail cash.**

Payment by bank drafts, cashier's checks, certified checks, personal checks, and money orders must be drawn on U.S. financial institutions and payable in U.S. funds.

If you live in the United States or its territories, make the check or money order payable to U.S. Department of Homeland Security (not "USDHS" or "DHS").

When a check is drawn on the account of a person other than the petitioner, self-petitioner, applicant, or carrier, the name of the appellant must be entered on the face of the check. Personal checks are accepted subject to collectability. If you pay by check, USCIS will convert it into an electronic funds transfer (EFT). This means USCIS 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 your bank will show it on your regular account statement. You will not receive your original check back. USCIS will destroy your original check but will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize USCIS to process the copy in place of your original check.

If you are filing your form at a USCIS Lockbox facility, you have the option to pay for your form filing fees using a credit card. Please see Authorization for Credit Card Transactions (Form G-1450), at <https://www.uscis.gov/g-1450> for more information.

If you are filing your form at a USCIS Field Office, cash, a cashier's check, or money order cannot be used to pay for the filing fee. The only payment options accepted at a field office are payment through pay.gov via a credit card, debit card or with a personal check.

Payment that is uncollectable does not satisfy a fee requirement and may result in the rejection of the motion.

**10. Timeliness:** A motion to reconsider a Board’s decision must be filed with the appropriate DHS office within 30 calendar days of the mailing of the Board decision. 8 C.F.R. § 1003.2(b)(2).

**11. Further Information.** For further information related to the Board, please see the BIA Practice Manual which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

### SPECIFIC INSTRUCTIONS

**Part 1. Information About the Beneficiary, Petitioner, Self-Petitioner, Applicant, or Carrier.** Only complete the information related to the proceeding type related to your case (for example, visa petition proceedings, visa revocation proceedings, advance permission to enter as a nonimmigrant proceedings, or fine proceedings).

Include the name and A-number (if requested) of the Beneficiary, Petitioner, Self-Petitioner, Applicant or Carrier as identified in the captions of the Board’s decision in the case you are seeking to file your motion to reconsider, motion to reopen, or motion to reconsider and motion to reopen.

If you are filing a motion to reconsider and/or reopen the Board’s decision in a visa petition or visa revocation proceeding, provide the Form I-130 or Form I-360 Widow(er) receipt number and the EOIR-29 receipt number.

If you are filing a motion to reconsider and/or reopen the Board’s decision in a fine proceeding, provide the Fine Number.

**Part 2. Date of the Board’s Decision that you are asking the Board to Reconsider or Reopen.** Provide the date of the Board’s decision that is the subject of your motion, in mm/dd/yyyy format.

**Part 3. Information About Your Motion.** Select only one box. Select a single box from Item Numbers 3.a – 3.c. Do not select more than one box or make changes to the form.

**Item Number 3.a.** Select if you are requesting the Board to reconsider its decision in your case, which was initially adjudicated by a DHS Officer and reviewed by the Board, in light of legal or factual errors, a change of law, or an argument or aspect of the case that was overlooked. 8 C.F.R. § 1003.2(b). A motion to reconsider is based on the existing record and does not seek to introduce new facts or evidence.

Warning. Your motion must state the reasons for the motion by specifying the errors of fact or law in the prior Board decision and must be supported by pertinent authority. 8 C.F.R. § 1003.2(b). Your motion to reconsider and any supporting documents or brief must be submitted with the Form EOIR-29A. See General Instruction 4.

**Item Number 3.b.** Select if you are requesting the Board to reopen your case, which was initially adjudicated by a DHS Officer and reviewed by the Board, in order to consider new facts or evidence in the case. 8 C.F.R. § 1003.2(c).

Warning. In your motion you must state the new facts that may be proven, and the motion must be supported by affidavits or other evidentiary material. 8 C.F.R. § 1003.2(c)(1). Your motion to reopen will not be granted unless the Board determines that the evidence offered is material and was not available and could not have been discovered or presented at an earlier stage in the proceedings. 8 C.F.R. § 1003.2(c)(1). Your motion to reopen and any supporting documents or brief must be submitted with the Form EOIR-29A. See General Instruction 4.

**Item Number 3.c.** Select if you are requesting the Board to reconsider its decision and requesting the Board to reopen your case, which was initially adjudicated by a DHS Officer and reviewed by the Board.

**Part 4. Signature of Petitioner/Self-Petitioner/Applicant/Carrier (or Attorney or Representative) and Address Information (Safe or Alternate Address, if applicable).** This section must contain the signature of the petitioner, self-petitioner, applicant, carrier or their attorney or accredited representative. Be sure to read General Instructions Item 7 (Signatures). The date this section was signed must also be included, mm/dd/yyyy format.

The attorney or accredited representative signing the Form EOIR-29A must also submit a completed Notice of Entry of Appearance as Attorney or Accredited Representative (Form EOIR-27), along with this form.

**Mailing Address (Safe or Alternate Address, if applicable).** List a valid U.S. residence, APO, or commercial address where you can safely and timely receive mail. You may also list a U.S. Post Office address (P.O. Box) if that is how you receive your mail. If your mail is sent to someone other than yourself, please include an “In Care Of

Name” as part of your mailing address. If your U.S. mailing address is in a U.S. territory and it contains an urbanization name, list the urbanization name in the “In Care Of Name” space provided.

---

**Paperwork Reduction Act Notice:** 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. In accordance with the Act, EOIR tries to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to complete this form is 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 or email [eoir.pra.comments@usdoj.gov](mailto:eoir.pra.comments@usdoj.gov).

**Privacy Act Notice:** The information requested on this form is authorized by 8 C.F.R. § 1003.2 in order to file a motion to reopen or reconsider a case which was initially adjudicated by a DHS Officer and reviewed by the Board. The information you provide is mandatory for individuals who wish to file a motion to reconsider or reopen. Failure to provide the requested information may result in rejection of your motion. EOIR may share this information with other federal agencies and courts, in accordance with approved routine uses described in EOIR’s system of records notices, EOIR-001, Records and Management Information System, EOIR-003, Practitioner Complaint-Disciplinary Files, or their successors.

**For further information:** For further information related to the BIA, please see the BIA’s Practice Manual which is available on the EOIR website at [www.justice.gov/eoir](http://www.justice.gov/eoir).