

Form EOIR-40, Application for Suspension of Deportation (OMB No. 1125-0009, exp. 06/30/2028)

Nonsubstantive Change Request (ICR Ref. No. 202507-1125-008)

Narrative of Changes and Justification

On July 3, 2025, Congress passed H.R. 1, commonly known as the One Big Beautiful Bill Act (OBBBA), which the President signed into law on July 4, 2025 (Pub. L. 119-21). The OBBBA implemented or increased fees for various applications for relief and protections from removal adjudicated in Executive Office for Immigration Review (EOIR) proceedings. Section 100013(h) of the OBBBA increased the fee for filing an application for suspension of deportation for fiscal year 2025 and thereafter provide for annual adjustments to the fee for inflation.

To conform with the OBBBA, EOIR revised the instructions on page 3 to remove references to the specified \$100 fee amount and inserted a sentence to direct respondents to the EOIR website for the current filing fee amount. The \$100 filing fee previously referenced in the instructions no longer applies, and this change is necessary to comply with the filing fee amount set by the OBBBA. Directing respondents to the EOIR website ensures that respondents quickly and conveniently receive the most up-to-date filing fee information for this form as quickly as possible. Printed paper copies of the EOIR filing fee information will also be available for reference at EOIR immigration courts.