GENERAL INSTRUCTIONS
(Please read carefully before completing and filing Form EOIR-26)

A. When to Appeal:

- Use this form (Form EOIR-**26**) only to appeal a decision by an **Immigration Judge**. If you wish to appeal a decision of the U.S. Citizenship and Immigration Services (USCIS), you must use a different form (Form EOIR-**29**).
- Do not use this form (Form EOIR-26) to appeal the following Immigration Judge determinations:

Reasonable fear	8 C.F.R. § 1208.31(g)(1)
Credible fear	8 C.F.R. § 1208.30(g)(2)(iv)(A)
Claimed status review	8 C.F.R. § 1235.3(b)(5)(iv)

  The Board of Immigration Appeals (Board) does not have the authority to review such determinations. For additional information regarding the Board's review authority, please see the EOIR Policy Manual, Part III: Board Practice Manual, which is available on the EOIR website (www.justice.gov/eoir).

- Please consult the appeal deadline date on the Immigration Judge's decision to determine whether the appeal filing deadline is 10 days or 30 days. Generally, the Board must receive the Notice of Appeal within 10 or 30 calendar days after the Immigration Judge's oral decision, as applicable, or within 10 or 30 calendar days after the date the Immigration Judge's written decision was mailed (if no oral decision was rendered), as applicable. *See also* 8 C.F.R. § 1003.38(b).
- Simply mailing your Notice of Appeal by the filing deadline is not enough. Your Notice of Appeal must arrive at the Board by the filing deadline. If your Notice of Appeal arrives late, your appeal will be dismissed.

B. Where to Appeal:

- Filing by Mail:

  Board of Immigration Appeals
  Clerk's Office
  5107 Leesburg Pike, Suite 2000
  Falls Church, VA 22041

- Filing by Personal Delivery:

  Board of Immigration Appeals
  Clerk's Office
  5107 Leesburg Pike, Lobby Filing Window
  Falls Church, VA 22041

- Filing through EOIR Courts and Appeals System (ECAS): Department of Homeland Security (DHS), attorneys, and accredited representatives must electronically file their appeal in cases eligible for electronic filing through ECAS (www.justice.gov/eoir/ECAS). For an unrepresented Respondent or Applicant, who has registered for the Respondent Access Portal (RAP), please review the guidance on the EOIR website (www.justice.gov/eoir/respondentaccess) to file a Notice of Appeal through the RAP. An unrepresented Respondent or Applicant is not required to file the Notice of Appeal through the RAP.

C. How to Appeal:

- Read all of these instructions. **Note:** If you are the person in proceedings, you are the "Respondent" or "Applicant." You are also the "Appellant" if you are filing an appeal of a decision by an Immigration Judge.
- Fill out all pages of the Notice of Appeal completely, answering items #1 - #12 **in English only.**
- List in item #1 the names and Alien Numbers (A-Numbers) of **all** Respondents or Applicants who are appealing the decision of the Immigration Judge.
- Sign item #9.
- List the mailing address of the Respondents or Applicants in item #10.
- Write your names and A-Numbers on all documents attached to the Notice of Appeal.
- Translate all documents that you attach to the Notice of Appeal into English. All translations must include the translator's statement stating that the translator is competent, and that the translation is true and accurate.

- Complete and 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 DHS.
- Your appeal may be rejected or dismissed if you fail to properly complete the "Proof of Service" (item #12).
- 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. The ECAS system will provide an electronic service notification to participating parties. However, electronic filers must still sign and complete the "Proof of Service" (item #12).

D. Paying for the Appeal:

- Amount: The current filing fee amount is listed on the EOIR website (https://www.justice.gov/eoir/types-appeals-motions-and-required-fees).
- Payment: All appeal filing fees must be paid electronically through the EOIR Payment Portal (https://ePay.eoir.justice.gov). Payment that is uncollectible does not satisfy a fee requirement and may result in the rejection of the appeal. Payments by cash, check, money order, or cashier's check are not accepted.

  To pay electronically through the EOIR Payment Portal webpage, you will need to select the filing type and enter the A-Number associated with the Immigration Judge's decision you are appealing; this information will be printed on your receipt once payment is complete. You will be redirected to the U.S. Treasury Pay.gov website to complete payment. Upon completion of your transaction, you will be directed back to the EOIR Payment Portal webpage to print your EOIR fee payment receipt. **You must submit your EOIR fee payment receipt with your appeal form.**
- Fee Waiver Request: If you cannot pay for the appeal, complete a Fee Waiver Request (Form EOIR-26A) and attach it to the Notice of Appeal. The Board will review your request and decide whether to allow the appeal without payment of the fee.
- Your appeal may be rejected or dismissed if you fail to submit an EOIR fee payment receipt, a properly completed Fee Waiver Request (Form EOIR-26A), or your electronic payment is uncollectible.

E. Lawyer or Representative Allowed: You may be represented by an attorney or representative who is authorized to appear before the EOIR. If you are represented by an attorney or authorized representative, he or she must file, with the Notice of Appeal, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

F. Specify Reasons for the Appeal (Item #6):

- Give specific details why you disagree with the Immigration Judge's decision. Specify the findings of fact, the conclusions of law, or both, that you are challenging. If a question of law is presented, cite supporting legal authority. If the dispute is over the findings of fact, identify the specific facts you are challenging.
- Where the appeal concerns discretionary relief, state whether the alleged error relates to statutory grounds of eligibility or to the exercise of discretion. Identify the specific factual and legal findings you are challenging.
- If you do not give specific reasons, with details, in item #6, or in attachments to your Notice of Appeal, the Board may dismiss your appeal on that basis alone.
- Most appeals are reviewed by a single Appellate Immigration Judge (AIJ). If you assert that your appeal warrants a three-member panel, you should identify the specific factual or legal basis for your contention.
- Cases will be reviewed by a three-member panel only if the case presents one of these circumstances:
    - The need to settle inconsistencies among the rulings of different Immigration Judges;
    - The need to establish a precedent construing the meaning of laws, regulations, or procedures;
    - The need to review a decision by an Immigration Judge that is not in conformity with the law or with applicable precedents;
    - The need to resolve a case or controversy of major national import;
    - The need to review a clearly erroneous factual determination by an Immigration Judge; or
    - The need to reverse the decision of an Immigration Judge other than a reversal under 8 C.F.R. § 1003.1(e)(5) (i.e., permitting a single AIJ to reverse a decision that has been affected by changes in statutes, regulations, or case law).

G. Oral Argument (Item #7):

- If you ask for oral argument in item #7, the Board will notify you if your request is granted.
- Even if you ask for oral argument, you still must give detailed reasons for your appeal on the Notice of Appeal in item #6 and attachments.
- If you request oral argument, you should also state in item #6 why you believe your case warrants review by a three-member panel.

H. Briefs (Item #8):

- The Board will not issue a briefing schedule for all appeals. Thus, you should provide detailed reasons for your appeal on the Notice of Appeal in item #6 and attachments.
- Indicate in item #8 whether you intend to file an additional written brief or statement if the Board issues a briefing schedule.
- The Board will provide a transcript of the proceedings where warranted.

I. Change of Address:

- If you move after sending your Notice of Appeal to the Board, you must give your new address to the Board within five (5) business days after you move. Use an Alien's Change of Address Form (Form EOIR-33/BIA).
- Attorneys or representatives must also let the Board know if they change addresses or phone numbers, using Form EOIR-27. An attorney's or representative's change of address notification is only effective for the case in which it is submitted. Also, changes in an attorney's or representative's address or contact information should be made by updating the registration information in EOIR's eRegistry to include the new address and contact information.

J. Further Information: For further guidance please see the EOIR Policy Manual, Part III: Board Practice Manual, which is available on the EOIR website (www.justice.gov/eoir).

K. 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. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is thirty (30) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can either: (1) write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virgina 22041; or (2) email EOIR.PRA.Comments@usdoj.gov.

L. Privacy Act Notice: The information on this form is authorized by 8 C.F.R. §§ 1003.3, 1003.38 in order to appeal a decision of an Immigration Judge to the Board of Immigration Appeals. The information you provide is required to appeal the decision and failure to provide the requested information may result in denial of your request. EOIR may share this information with others in accordance with approved routine uses described in the following EOIR systems of records notices (SORNs), or their successors: JUSTICE/EOIR-001, Adjudication and Appeal Records of the Office of the Chief Immigration Judge and Board of Immigration Appeals, 90 FR 42265 (Aug. 29, 2025). EOIR is authorized by 5 U.S.C. § 552a(e)(3) to solicit, collect, and share your payment information in accordance with the approved routine uses described in SORN Treasury/FMS.017, Collections Record-Treasury/Financial Management Services, 70 FR 34522, 34532-22 (Jun. 14, 2005).

Departure from the United States:
If you leave the United States after an Immigration Judge's decision in removal or deportation proceedings, but before you appeal the decision to the Board, you may have waived your right to appeal. If you leave the United States after filing an appeal with the Board, but before the Board decides your appeal, your appeal may be withdrawn and the Immigration Judge's decision put into effect as if you had never filed an appeal.

Summary Dismissal of Appeal:
The Board may summarily dismiss any appeal or portion of any appeal in which: (1) The appellant fails to specify the reasons for the appeal (see Part F above); (2) The only reason specified by the appellant for his or her appeal involves a finding of fact or conclusion of law that was conceded by him or her at a prior proceeding; (3) The appeal is from an order that granted the appellant the relief that had been requested; (4) The appeal is filed for an improper purpose, such as unnecessary delay, or lacks an arguable basis in fact or law, unless the Board determines that it is supported by a good faith argument for extension, modification, or reversal of existing law; (5) The appellant indicates on Form EOIR-26 that he or she will file a separate brief or statement in support of the appeal and, thereafter, does not file such brief or statement, or reasonably explain his or her failure to do so, within the time set for filing (see Part H above); (6) The appeal does not fall within the Board's jurisdiction or jurisdiction lies with the Immigration Judge rather than the Board; (7) The appeal is untimely or barred by an affirmative waiver of the right to appeal that is clear on the record; or (8) The appeal fails to meet essential statutory or regulatory requirements or is expressly excluded by statute or regulation. The Board may also summarily dismiss any discretionary appeal under 8 C.F.R. § 1003.1(d)(2)(ii).

WARNING! You must:

- Sign the Notice of Appeal (item #9).
- Include the EOIR fee payment receipt or Fee Waiver Request (Form EOIR-26A).
- Complete and sign the Proof of Service (item #12).
- Make sure your appeal is received at the Board on or before the filing due date.