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Instructions for submitting certain applications in immigration court

The information on this page applies only to persons who request, or who have been granted, exemption from expulsion or protection while they are in the process of being deported to the Immigration Court or the Immigration Appeals Board (BIA). Immigration Courts and the BIA are part of the Executive Office for Immigration Review (EOIR) within the Ministry of Justice (DOJ). Persons entitled to expulsion may apply for various immigration benefits, which, if granted, provide for exemptions, such as adjustments to permanent resident status, cancellation of expulsion and certain waivers of inadmissibility. Persons eligible for asylum may also apply for asylum or may not be eligible for expulsion, among other forms of protection assistance. If you apply for assistance or protection in immigration court, the government attorney will provide you with preliminary instructions on filing certain applications with the Immigration Court and for providing biometric and biographical information to the U.S. Citizenship and Immigration Services (PDF, 178.54 KB). You must follow these instructions carefully so that your application is reviewed during the removal procedure. As described in the joint EOIR Immigration Benefits Bulletin (PDF, 45.22 KB), the U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) have implemented these procedures to ensure that the background and security checks required by the Department of Homeland Security (DHS) have been completed before EOIR or BIA immigration judges provide individual assistance from expulsion or protection. EOIR rules, by virtue of April 1, 2005, prohibit immigration judges and the BIA from granting such benefits to a foreigner before DHS reports that identity, biography and security checks have been completed. (See 70 Federal Register 4743 (January 31, 2005) (codified by 8 C.F.R. Parts 1003 and 1208). If the immigration judge has granted your application, you will be given post-order instructions for persons to whom the immigration court has provided assistance or protection from expulsion (PDF, 235.78 KB) at the end of the expulsion procedure. These post-order instructions describe the steps you must follow to obtain documentation of your immigration status and work permit. If the BIA provides assistance or protection, your BIA decision will contain similar instructions for obtaining your documentation. For more information, please also see questions and answers to the implementation of the EOIR Background Check Rules for foreigners seeking help or protection from removal (PDF, 64.73 KB). You can get more information about obtaining documentation after receiving an EOIR order to provide you with an immigration on the page on this website dedicated to this information. American Immigration Lawyers Association 1331 G Street NW, NW, 300 Washington, DC 20005 Copyright © 1993-2021 American Association of Immigration Lawyers. AILA.org should not be relied upon as an exclusive source for your legal research. Nothing in AILA.org constitutes legal advice, and information on AILA.org is not a substitute for independent legal advice based on careful review and analysis of the facts of each individual case, as well as independent studies based on statutory and regulatory bodies, case law, policy and procedural guidance, and federal government websites. Travel Health Insurance type or print legibly in black ink. Don't use a pencil. If you need extra space to respond to any item, attach a piece of paper with your alien name and registration number (A), if any, and provide the number of item to which the answer refers. Date and sign each sheet. Answer all questions in full and accurately. If the item does not apply, write N/A. If the answer is no, write No. Don't leave gaps. Your application must be properly signed and submitted with the correct payment. If you are under the age of 14, your parent or guardian can sign your application. If you don't know how to fill out a form or answer a specific question, there is a lot of help and guidance available on this site yourself. If this is not the answer to the question, please post it on our discussion forums. If your question is still not answered, please seek legal assistance (we can not provide this). Always tell the truth. You may be tempted to lie down on a form - maybe ignore a previous marriage, an illegal stay in the U.S., Preliminary visits to the U.S., hide any grounds of inadmissibility, etc. However, if you lie, you may be in more trouble than the problem you are lying about. USCIS or consular officers get very angry when they discover that you have lied to them. Fees: Most applications require a fee. Make sure to send the correct filing fee if necessary (more). Photos: Many applications require one or more photos to be submitted with a form (more). Not the main photos for the apps. Place them in a separate envelope and attach the envelope to the application in the bottom left corner. Photos must be taken within 30 days of applying to USCIS. Copies: If the instructions indicate that a copy of the document can be filed with a petition, submit a copy. If you decide to send the original, USCIS can save this original for its records. If USCIS original, it will be requested. Entry forms (FEPs): Immigration forms often change, but USCIS does not update forms every time. Instead, they provide input page forms (FEPs) (FEPs) Access to form. It is very important to check before filing the form that you have the latest instructions. Before you can access any form on our website, you will be accepted to FEP. Small items/apps: If small items or documents are presented, place them in an envelope and list the contents on the outside of the envelope. Keep a copy: Always make a full photocopy of the package of apps you're sending. You can quickly re-submit a duplicate application if the original is lost or if you need to bring the bug to the attention of USCIS. Notice of Appearance - Form G-28: Lawyers and other approved representatives of applicants/petitioners must file a form of G-28. Notice of Appearance. The Group of 28 must be properly completed and signed by the affected party. The term affected party refers to the applicant or the applicant, depending on the type of request. The signed G-28 must be fastened at the top of the form filed. If there are several applications for other family members or for different applicants/petitioners, make sure that a separate group of 28 has been filed for each affected party. To minimize the possibility of error, the G-28 must be attached to each application and petition. Cover Letters: Lawyers may wish to submit a cover letter outlining the benefits sought and identifying attached supporting evidence. This can be very helpful for a judicial officer, especially if the wrong block is checked for a visa petition. Visa applications are often rejected and sometimes rejected because the applicant appears to be applying for an unauthorized benefit, i.e. a legal permanent resident, applying for a brother and sister. It should not be assumed that the judge immediately recognizes the merits of the case or that he/she will automatically understand the entire request unless you provide a clear explanation of the benefits/actions requested. For visitors, travel, students and other international health insurance travel. Visit insubuy.com or call 1 (866) INSUBUY or No. 1 (972) 985-4400 Most forms are filled online. In other words, they are provided in such a format that they can be filled on your computer. You will not be able to submit an application or petition online. You just fill out the form and print it out. You must send the printed form to the appropriate USCIS office just as if you wrote it by hand. You don't have to print shapes in a certain color or in a certain configuration like head-to-head or head-to-toe, long edge, short edge, etc. you can print out shapes normally like you would print with a printer. However, it is not recommended to use a point matrix printer. All forms require Acrobat Reader, available for free. You won't be able to save data you type on your own computer if you just have a free version of Acrobat Acrobat This requires a complete Adobe Acrobat. It's Adobe functionality, and there's nothing we or anyone else can do about it. Name change If you or the person you are applying for use a name that does not correspond to what is listed in the relevant documents, you must apply with copies of legal documents that have affected the change, such as a marriage certificate, an adoption order, or a court order. Translation If a document is not in English, it must be submitted along with a full English translation (more). Assembling an application for most forms, your application package must be collected in the following order: Fee paymentForm G-28 (if applicable) Application or petition with photos in the attached envelope (if applicable) G-325A (if applicable) Other evidence Supporting documentation This order will work for I-90, I-102, I-129F, I-130, I-131, I-140, I-212, I-290, I-360, I-526, I-539, I-589, I-612, I-690, I-694, I-695, I-698, I-724, I-730, I-751, I-765, I-817, I-821, I-824, I-864 and Motions. Wherever more detailed or specific instructions are available on this form (in forms I-129, I-485, N-400), they are provided in the appropriate section. For visitors, travel, students and other international health insurance travel. Visit insubuy.com or call 1 (866) INSUBUY or No. 1 (972) 985-4400 Mailing The Application Mark as an envelope and cover letter about the nature of the presentation. Example: ORIGINAL SUBMISSION - BRIEF FOR AN APPEAL - REACTION TO REQUEST FOR ADDITIONAL INFORMATION - etc. Use the appropriate mailing address and mark both the envelope and the cover letter with the type of form. Example: I-129; I-130; I-690; I-698, etc., provide both the receipt notification number and the A-Number as identifiers if they are available. If the package is re-submitted in response to REQUEST FOR ADDITIONAL EVIDENCE, please place a notice requesting additional evidence/information at the top of the package. Also, please use a special mail envelope provided. If the evidence is presented in support of an earlier appeal or motion, a cover letter with the inscription BRIEF FOR APPEAL, etc., must be placed on top of the package. When preparing a package, please note: Do not use binders or folders that cannot be easily disassembled. Use ACCO attachments to hold together thick or bulky apps or petitions. Two holes punching the top of the material for easy placement in the file is appreciated. Using tabs helps you find items listed as attachments. The tabs should be placed on the bottom, not the sides for ease of serving. Avoid heavy use Instead, use ACCO fasteners or heavy clamps. Avoid sending originals unless specifically required (work certificates, etc.). Avoid sending out-of-the-way documentation whenever possible. If you send more than one single In an envelope, clearly separate the cases using a rubber band or clip fastening. Form G-28 is not acceptable unless it is signed by an authorized representative and applicant (for petitions) or applicant (to apply). Facsimile signature stamps are acceptable for the signature of representatives. However, applicants/petitioners must physically sign the original G-28 form submitted with the application/petition. Any subsequent form of G-28 pertaining to the same case may be a photocopy of the original, which should already be attached to the case. Send copies of any forward approval notices with any new requests for an extension, status change, or amended petition. Keep copies of all views. Do not assume that the officer will have access to the previous file or recording. Send as much package as possible so that you can make a decision on what you represent. Send a full package of information for each petition or application. If the police had to consider previous cases or records, the case could be significantly adjourned. Be sure to fill out all relevant petition items or applications. Make sure all entries on the forms are legible. Pay attention to the appropriate consulate or embassy, or request for status adjustment on the petition. Don't enter N/A when No fits. If you think your situation is unique, explain it in full in the package annex, not as a cover letter. Please send certified translations to all documents in a foreign language. Look at the Translation section above. USCIS does not usually require the submission of original documents or certified copies. Instead, the usual legible photocopies of such documents (including naturalization certificates and certificates of registration of aliens) will be acceptable for the initial filing and approval of applications and applications. At the discretion of the official, in some cases, the original documents may still be required. Please note that USCIS does not return the original documents submitted, except for naturalization certificates, I-551 forms, permanent resident cards, I-94 forms, arrival/departure documents, valid passports, or those specifically requested by the employee. Such documents will be returned when they are no longer needed. Reminder: The best way to find records is through a receipt number and/or an A-Number. Always provide this information whenever possible. If you don't know A-Number, provide COMPLETE with your name and date of birth. ALSO: Provide any and all names used by a person, including aliases, maiden names, names used in the initial admission to the United States, etc. DUPLICATE FILINGS (without Cases will be accepted as a duplicate filing only when the USCIS specifically requested the request be filed. In this case, be sure to provide the receipt number of the initial filing or any copies of the notifications received from USCIS at the first filing of the duplicate petition or application. Locking the address on forms is a data field collected for all of our mail. In accordance with the limits on the number of characters per line (maximum 32) and the total number of lines (4) in this area, everything that is in the block will become the mailing address used by the system. The data in these fields hangs exactly as indicated on the forms. Please include internal routing symbols in the address unit, especially for large organizations. It is better to shorten the name of the organization and have a place for routing codes than to fully spell out the name and have notices sit in the organization's post office. Recognized authorities: Many I-129 petitions filed with evidence of the beneficiary's education or achievements include documentation submitted by various authorities. For example, petitions for artists and artists may contain evidence that the beneficiary has received an award or other recognition of accomplishments. Applications for persons employed in the profession may contain evidence that the beneficiary belongs to a professional organization. Where a person's awards or membership are used to support a petition, evidence of the organization's reputation must also be provided. Examples of the necessary evidence include the size and status of an organization, the organization's membership requirements, and any other documentation that would establish the reputation of the organization. When presenting the opinion of a recognized body, it should be known: the qualification of the writer as an expert; the writer's experience, yes judging such opinions, citing specific cases where past opinions were recognized as authoritative and by whom; How the conclusions were reached; and the basis for conclusions, including copies or quotations of any research materials used. Any application or petition for a person currently in F-1 status must include evidence that the student has been maintaining status and has been allowed employment if applicable. Such evidence can usually be satisfied by submitting the latest form of I-20ABI-20ID and copies of the work permit card. As far as possible, please avoid using tape strapping on all four sides of the envelope (if you can please leave one side free of tape). When using this tape can add some protection against harm while it is in the way, this makes the package difficult to open when it arrives. For visitors, travel, students and other international health insurance travel. Visit insubuy.com or call 1 (866) INSUBUY or No. 1 (972) 985-4400 Applications Admission of any any which is not signed or is not accompanied by the correct payment for the application, will be rejected with a notice that the application is insufficient. You can fix the flaw and re-introduce the app. The application is not considered properly filed until it is accepted by USCIS. Initial processing Once the application has been accepted, it will be verified to completeness, including the submission of the necessary initial evidence. If you do not complete the form or if you file it without the necessary initial evidence, you will not establish a basis for eligibility, and the USCIS may refuse your application. Requests for additional information USCIS can request additional information or evidence. USCIS may also require you to submit the originals of any copy. The originals can be returned to you if necessary. The decision will be notified in writing of the decision on your application. Appeal If the application is rejected, you will receive an email from USCIS explaining why it was denied. Although you cannot apply to a higher authority, you can apply for a renewal/review of your decision with the office that made the adverse decision. The resumption motion must learn new facts that must be provided in a retrial and must be accompanied by affidavits or other documentary evidence. The application for a review it must establish that the decision was based on the improper application of the law or policy of USCIS, and further establish that the decision was incorrect based on the evidence in the file at the time of the decision. For visitors, travel, students and other international health insurance travel. Visit insubuy.com or call 1 (866) INSUBUY or No. 1 (972) 985-4400 Share this article: Facebook Twitter LinkedIn Email Travel Health Insurance Insurance

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